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344.046 Final status of  
E12fsnr natural resource  
1991 legislation in the  
52nd Montana  
legislature

**Final Status  
of  
Natural Resource Legislation  
in the  
52nd Montana Legislature**

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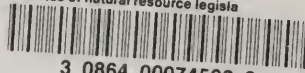
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## Preface

During the 52nd Legislative session, a record number of bills were introduced; 1013 bills in the House, 473 in the Senate, 56 House Joint Resolutions and 33 Senate Joint Resolutions. Amidst the scrambling, over 250 natural resource bills were debated -- on issues ranging from water quality and quantity, renewable and nonrenewable energy, fish and wildlife, mineral taxation and development, to forest and solid waste management -- as well as others.

Due in part to the occurrence of the war in the Middle East early in the session, legislators and the public showed a renewed interest in **energy policy and conservation**. The Governor, the oil and gas industry, and a major environmental organization proposed a compromise state energy policy bill that included incentives for both energy conservation and oil and gas exploration. The "Montana Energy Security Policy Act", introduced as **SB 466**, was supported by the administration, farm groups, rural electric cooperatives and local governments, and opposed by homebuilders and realty groups. **SB 466** was tabled in the Senate Taxation Committee before reaching either floor for debate. Several other less comprehensive bills promoting renewable energy and conservation were approved by the legislature. Among these were: **HB 524**, appropriating oil overcharge money to fund a wind farm transmission study; **HB 777**,

authorizing bonds for the State Building conservation Program; SB 77, extending the gasohol tax incentive until 2001; and, HB 144, requiring agencies of state government to "take all reasonable steps" to ensure that gasohol is used in state vehicles. The Legislature also approved HJR 31, directing the Environmental Quality Council (EQC), in cooperation with the Department of Natural Resources and Conservation and the Consumer Counsel, to study energy resources and use and to develop a proposed state energy policy.

As in previous sessions, **fish and wildlife management** issues proved both controversial and time-consuming for the legislature. Several bills concerning the management of bison in Yellowstone Park were debated; SB 439, HB 219, and HB 390. Ultimately, one was approved, HB 390, eliminating the sale of wild buffalo hunting licenses and encouraging the state and the National Park Service to develop a long-term management plan. In addition, resident fishing and hunting license fees were increased and the introduction or transplantation of fish species was placed under the environmental review process.

Three separate house bills were introduced to regulate **forest practices** for timber harvests. Two of these, HB 971, the Montana Forest Resources Management Act, and HB 984, the Montana Forest Practices Act, would have required the adoption of forestry "best management practices" and mandated that state forests be managed for sustained yield. The other, HB 991, the Montana Forests for the Future Act, would have prohibited the harvesting of trees by clearcutting. All three bills were tabled in House Natural Resources Committee. As a compromise, forest practice standards were authorized for streamside management zones with the passage of HB 731. Under this act, the Department of State Lands was authorized to develop and enforce a set of logging practices that would prevent watershed degradation within 50 feet of a perennial stream. A similar bill failed in 1989. HB 906, providing funding for the Montana State University forestry extension service, handily passed the Senate 49-1 and the House 84-15.

**Local governments** were given increased responsibility and authority through varied legislation. SB 189 authorized local governments to establish multicounty Solid Waste Districts; SB 161 provided consolidated local governments with the authority to supply sanitary sewer or storm services or water to a district; and, SB 136 authorized the establishment of local water quality districts and allowed participants of the district to adopt local laws related to water quality protection. SB 55, and HB's 795 and 905, were all introduced to provide funds for local government infrastructure projects. None of these funding bills were approved.

Two bills promoting local land use planning failed during the session: **HB 154**, allowing a local option tax on transfers of real property to fund local planning; and, **HB 815**, requiring local governments to adopt and enforce master plans. As in past legislative sessions, attempts to amend the state Subdivision and Platting Act also failed. **HB 399**, to increase the number of unreviewed subdivisions; and **HB's 844 and 744**, to remove some current exemptions and place more subdivisions under review, were all tabled in House Natural Resources. The subdivision bill that came closest to passing, **HB 671**, would have removed the Act's major exemptions, including the occasional sale, the family sale exemption, and the exemption for parcels greater than 20 acres. **HB 671** passed second and third readings in the House, but failed in the Senate 23-26. The legislature did approve **HJR 17**, requesting an interim study by the EQC on lakeshore development standards.

A comprehensive revision and expansion of the state's solid waste management program received support from both Republicans and Democrats. The intent of the solid waste legislation passed during the session was to reduce the amount of solid waste produced in Montana, and to bring the state in compliance with new landfill regulations expected to be promulgated by the U.S. Environmental Protection Agency. **HB 160**, the Montana Integrated Waste Management Act, authorized the adoption of a state Solid Waste Management Plan, and established a waste reduction target of 25 percent by 1996. **HB 858** established a statewide household hazardous waste education program to reduce the volume and toxicity of waste generated by households. Both programs were funded with the passage of **SB 209**, authorizing an annual permit fee, an annual per-ton fee, and a one-time application fee on solid waste systems. Additional components of the solid waste management program that were approved during the session include; **HB 139**, extending the existing moratorium on waste importation for a two year period, **SB 189** and **HB 918**, revising local government solid waste management laws; **SB 346**, establishing a fee on waste generated out-of-state; **SB 357**, requiring the DHES to consult with local governments about solid waste facilities; **HB 377**, establishing a certification and licensing process for megalandfills; **HB 660**, removing an existing exemption from the landfill licensing process; **HB 891**, requiring financial assurance as a condition for licensing a megalandfill; **HB 145**, requiring oil retailers and wholesalers to display signs indicating the nearest waste oil collection center; and **HB 239**, creating the Infectious Waste Management Act.

Other measures promoting waste reduction and recycling failed during the session. **HB 858**, prohibiting landfilling of certain wastes, requiring local governments to develop solid waste management plans, and requiring recycling of lead acid batteries, failed to pass the House 46-49. Two other recycling bills, **SB**



268, allowing a voluntary 15 percent purchase preference to state agencies for recycled paper and other recycled products; and, HB 855, mandating the purchase of a certain percentage of recycled paper, were both tabled in House Natural Resources.

Water policy, in particular, water quality and water appropriation, dominated the discussion on environmental issues during the 52nd Legislature. A number of water appropriation and development bills were introduced by the Governor and the Department of Natural Resources and Conservation (DNRC) as a result of the state water planning process: SB 265, clarifying the right to beneficially use, sell, or lease salvaged water; SB 266, revising the Montana water use laws; SB 313, clarifying state water storage policy; SB 314, generally revising and clarifying the water reservation process; SB 386, clarifying that a water right may be temporarily changed; HB 171, repealing statutes that provide for the abandonment of the Daly Ditch water project; HB 382, revising the Dam Safety Act; HB 418, clarifying funding for the Board of Water Well Contractors; HB 537, creating a Drought Advisory Committee; HB 586, allocating hydroelectric power generation revenues derived from state water conservation projects to repair and rehabilitate state water conservation projects; and HB 814, clarifying the law providing for disposition of state-owned water projects by the DNRC. All these measures were approved.

Water quality issues tended to be more controversial and subject to rejection by the legislature. A number of instream flow protection bills were introduced and defeated, as were SB 303, authorizing the DNRC to consider water quality and quantity when issuing permits, and HB's 889 and 956, revising the Hard Rock Mining Act and the Coal Mine Reclamation Act to protect water resources. Several water quality bills introduced by the Environmental Quality Council as a result of its interim ground water management study were approved: SB 94, establishing state-wide ground water study programs; SB 136, establishing local water quality districts; HB 161, authorizing the DHES to issue water quality cleanup orders to local governments; and HB 162, requiring local Boards of Health to regulate septic and sewer systems.

HB 908, requiring measuring devices on and protection of dewatered streams; and SB 472, ratifying the Montana -- Northern Cheyenne Water Compact, were other important water acts passed this session.

The state's underground storage tank program was modified (HB 973) to include small tanks and diesel fuel tanks under the Petroleum Tank Release Compensation Fund. Although several other underground storage tank bills were introduced, the legislature chose to maintain the integrity of the existing program and failed to enact additional UST legislation.



The Environmental Quality Council prepared the *Final Status of Natural Resource Legislation in the 52nd Montana Legislature* to provide a brief summary of natural resource legislation for legislators, lobbyists and the public. The bills in the status are organized by subject, number, and status (passed or failed). Each bill entry includes the bill number, sponsor, short title, committee hearings and relevant votes. Several bills are included in more than one category; for example, underground storage tank legislation is listed under both hazardous waste and water quality.

For further information on these bills or others, we recommend consulting the Legislative Council's publication *Final History and Status*, published in July, which contains all legislative action taken on all bills.

The Montana Environmental Policy Act, enacted in 1971, charges the Environmental Quality Council with researching and reviewing state regulations and policies affecting Montana's environment, and recommending measures to promote the general welfare of present and future generations of Montana. For more information on EQC publications and activities, contact the Environmental Quality Council, Capitol Station, Helena, MT 59620, (406) 444-3742.



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# Agriculture

(See also Weed and Pest Control)

Passed \*

## HB 137 \* Harrington

*Conform Valuation of Agriculture Land with Current Revaluation Cycle*

An act conforming the valuation and taxation of agricultural land to the extension of the current revaluation cycle enacted by Chapter 13, Laws of 1989; and providing an immediate effective date and a retroactive applicability date.

Amending section 15-7-201, MCA; Section 10, Chapter 681, Laws of 1985; and Section 3, Chapter 705, Laws of 1985.

Committee Hearings:	Senate Taxation House Taxation
Second Reading Votes:	Senate 48-0; House 94-3
Third Reading Votes:	Senate 48-0; House 95-1

## HB 240 \* Raney

*Include Low Chemical Input Agricultural Projects in Renewable Resource Development Grant Programs*

An act clarifying that projects proposed by public entities to research and demonstrate low agricultural chemical input farming practices are eligible for grants from the Renewable Resource Development Grant Programs.

Amending section 90-2-111, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 49-0; House 86-10
Third Reading Votes:	Senate 48-0; House 87-10

Senate amended, House not concurred 66-29.

Free Conference Committee vote: Senate 48-0; House 95-5.

**HB 365 \* Swysgood**

*Fund MSU Applied Genetic Engineering Technology Research and Development*

An act to appropriate money to Montana State University to provide support for applied genetic engineering technology research and development to enhance Montana agricultural products.

Committee Hearings:	Senate Finance and Claims House Appropriations
Second Reading Votes:	Senate 48-0; House 69-25
Third Reading Votes:	Senate 48-0; House 77-21

Senate amended, House concurred 60-39.

Governor amended: Senate concurred 46-2; House concurred 94-1.

**HB 537 \* Harper**

*Create Drought Advisory Committee*

An act creating a Drought Advisory Committee; defining the committee's responsibilities; and providing an immediate effective date.

Committee Hearings:	Senate Agriculture House Natural Resources
Second Reading Votes:	Senate 36-11; House 92-3
Third Reading Votes:	Senate 41-8; House 95-4

Senate amended, House concurred 96-1.

**HB 622 \* Swysgood**

*Eliminate Agricultural Business Incubator Program*

An act revising the Montana Growth through Agriculture Act; and eliminating the Agricultural Business Incubator Program.

Amending section 90-9-103, MCA; and repealing section 90-9-302, MCA.

Committee Hearings:	Senate Agriculture House Agriculture
Second Reading Votes:	Senate 49-0; House 95-2
Third Reading Votes:	Senate 49-0; House 98-1

**HB 771 \* Foster**

***Revise Agricultural Warehouse, Commodity Dealer, and Grain Standards Act***

An act to generally revise the Agricultural Warehouse, Commodity Dealer, and Grain Standards Act; revising use of the \$30,000 exemption; providing a penalty for fraud; eliminating use of a combination scale weight ticket and warehouse receipt; establishing a time limit for issuing a warehouse receipt; requiring a producer to request a warehouse receipt; allowing the pooling of agricultural commodities in storage to cover shortages; allowing the Department of Agriculture to seek remedy in the First Judicial District; changing the aggregate liability of surety bonds from cumulative to noncumulative; eliminating the ability of the Department of Agriculture to set bond amounts by rule; providing remedies for commodity dealer defaults; requiring commodity dealers to keep records; and providing for claims on the bond by an injured person.

Amending sections 80-4-402, 80-4-429, 80-4-525, 80-4-527, 80-4-538, and 80-4-604, MCA.

Committee Hearings:	Senate Agriculture
	House Agriculture
Second Reading votes:	Senate 48-0; House 99-0
Third Reading Votes:	Senate 49-0; House 98-0

**HB 869 \* Simpkins**

***Classify Sod Farms and Nurseries as Agricultural Land for Property Taxation***

An act to amend the definition of "agricultural" in relation to tax laws to include sod, ornamental, nursery, and horticultural crops raised on property that consists of at least 10 contiguous acres; and providing an immediate effective date and a retroactive applicability date.

Amending sections 15-1-101 and 15-7-202, MCA.

Committee Hearings:	Senate Taxation
	House Taxation
Second Reading Votes:	Senate 49-0; House 88-10
Third Reading Votes:	Senate 49-0; House 83-16

Senate amended, House concurred 90-8



**Failed**

**HJR 6 Toole**

*Resolution Supporting Agricultural Research and Demonstration*

A Joint Resolution of the Senate and the House of Representatives of the state of Montana supporting research and demonstration of environmentally sound and economically viable agricultural practices.

Committee Hearings:	Senate Agriculture
	House Agriculture
Second Reading Votes:	House 80-18
Third Reading Votes:	House 85-13

Tabled in Senate Committee.

# Air Quality

Passed \*

## SB 224 \* Vaughn

*Amend Laws for Establishment/Funding of Local Air Pollution Control Programs*

An act amending the laws relating to establishing and funding local air pollution control programs; clarifying existing authority relating to the collection of permit fees by local air pollution control programs; clarifying the relationship between the Department of Health and Environmental Sciences and local air pollution control programs; restricting the types of air pollution sources that may be regulated by a local air pollution control program; and providing an immediate effective date.

Amending sections 75-2-301 and 75-2-302, MCA.

Committee Hearings:	Senate Local Government House Local Government
Second Reading Votes:	Senate 48-0; House - placed on consent calendar, approved by voice vote
Third Reading Votes:	Senate 45-5; House 91-9

## HB 607 \* Raney

*Amend Permit Requirements for Solid and Hazardous Waste Incinerators*

An act amending the laws relating to permit requirements for solid waste incinerators; extending the permit requirements to hazardous waste incinerators; and providing an immediate effective date.

Amending section 75-2-215, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 49-0; House 87-2
Third Reading Votes:	Senate 41-8; House 86-13

**HB 781 \* Kimberley**

*Allow Department of Health to Adopt Rules for Air Quality Permit Fees*

An act authorizing the Department of Health and Environmental Sciences to adopt rules for the collection of fees for the issuance and renewal of air quality construction and operating permits; providing for the expiration of the permits; allowing fee assessments to fund departmental air quality activities for particular geographic areas if the legislature authorizes the activities and appropriates the funds for the activities; clarifying the authority of the Department of Health and Environmental Sciences to issue an operating permit; and providing an effective date and retroactive applicability dates.

Amending sections 75-2-111 and 75-2-211, MCA.

Committee Hearings:                Senate Taxation  
                                      House Natural resources

Second Reading Votes:            Senate 49-0;    House 88-9

Third Reading Votes:             Senate 46-3;    House 84-15

Senate amended, House concurred 85-13.

**Failed**

**SB 235 Towe**

*Tax Federal Clean Air Act Emission Allowances as Class Eight Property*

An act to classify emission allowances created under Title VI of the federal Clean Air Act Amendments of 1990 as Class Eight property; and providing an immediate effective date and a retroactive applicability date.

Amending section 15-6-138, MCA.

Committee Hearings:            Senate Taxation

Tabled in Senate Committee.

# Energy

## Major Facility Siting

### Failed

#### SB 210 Yellowtail

##### *Geothermal Resources Act*

An act requiring a water use permit for the use of geothermal resources; defining "geothermal resource"; clarifying that the Montana Major Facility Siting Act is not applicable to any geothermal use other than for the production of 7.5 megawatts or more of electricity; and providing an immediate effective date and an applicability date.

Amending sections 75-20-104, 75-20-211, 75-20-225, 85-2-102, 85-2-306, and 85-2-311, MCA; repealing section 75-20-1001, MCA.

Committee Hearings: Senate Natural Resources

Tabled in Senate Committee.

## Renewable Energy and Conservation

Passed \*

### SB 77 \* Koehnke

#### *Extend Alcohol Production Tax Incentive until 2001*

An act extending the tax incentive for production of alcohol for blending with gasoline until 2001; revising the definition of alcohol distributor; increasing the maximum total incentive payments in any consecutive 12-month period to \$6 million; increasing the maximum incentive payment to an alcohol distributor in any consecutive 12-month period to \$1.5 million; providing for the reservation of tax incentives; and providing an immediate effective date and a contingent retroactive applicability date.

Amending sections 15-70-503 and 15-70-522, MCA.

Committee Hearings:	Senate Taxation House Taxation
Second Reading Votes:	Senate 45-3; House 92-1
Third Reading Votes:	Senate 44-3; House 96-3

House amended, Senate not concurred 47-0.

Free Conference Committee Vote: Senate 47-0; House 98-0.

### HB 144 \* Foster

#### *State Vehicles to Use Gasohol*

An act requiring agencies of state government to take all reasonable steps to ensure that gasohol is used in state vehicles; requiring records to be kept on the use of gasohol; and requiring review of the records by the legislative auditor.

Committee Hearings:	Senate Highways and Transportation House Highways and Transportation
Second Reading Votes:	Senate 36-9; House 95-2
Third Reading Votes:	Senate 36-12; House 95-2

Senate amended, House concurred 97-2.

**HB 338 \* Ream**

*Redefining Incentives for Low Emission Wood or Biomass Combustion Devices*

An act amending the laws relating to tax credit for the purchase and installation of low emission wood or biomass combustion devices; increasing the alternative energy tax credit for certain taxpayers; redefining a low emission wood or biomass combustion device; extending the date for certain taxpayers for which the alternative energy tax credit may be taken to December 31, 1995; redefining the tax-exempt status of low emission wood or biomass combustion devices; redefining the investments that qualify for venture capital and other incentives for businesses involved with nonfossil forms of energy generation to include low emission wood or biomass combustion devices; and providing an immediate effective date and an applicability date.

Amending sections 15-6-201, 15-32-102, 15-32-201, and 90-8-104, MCA.

Committee Hearings:	Senate Taxation House Taxation
Second Reading Votes:	Senate 33-13; House 92-6
Third Reading Votes:	Senate 37-13; House 92-7

Senate amended, House concurred 89-9.

**HB 524 \* Raney**

*Oil Overcharge Appropriation for Wind Farm Transmission Study*

An act appropriating oil overcharge money for programs administered by the state of Montana; funding a wind farm transmission study; and providing an effective date.

Committee Hearings:	Senate Finance and Claims House Appropriations
Second Reading Votes:	Senate 34-11; House 69-26
Third Reading Votes:	Senate 28-21; House 71-28

**HB 777 \* Quilici**

*Approve Energy Conservation Projects and Authorize Bond Issuance*

An act authorizing the issuance of general obligation bonds to fund the state building energy conservation program; approving energy conservation for fiscal years 1992-93; appropriating bond

proceeds to the Department of Natural Resources and Conservation; pledging the credit of the state of Montana to secure the bonds to be issued; appropriating stripper-well payments contained in the federal special revenue fund; removing the statutory appropriation from Section 90-4-613, MCA; withdrawing authorization for the bonds authorized by Chapter 473, Laws of 1989; and providing an immediate effective date.

Amending sections 17-7-502 and 90-4-613, MCA.

Committee Hearings:	Senate Finance and Claims House Appropriations
Second Reading Votes:	Senate 50-0; House 96-3
Third Reading Votes:	Senate 48-1; House 95-2

#### HJR 8 \* Kadas

*Urge NWPPCC to Encourage Energy Conservation*

A Joint Resolution of the Senate and the House of Representatives of the state of Montana urging the Pacific Northwest Electric Power and Conservation Planning Council to encourage energy conservation by Northwestern utility companies.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 49-0; House 93-0
Third Reading Votes:	Senate 48-0; House 95-1

## Failed

#### SB 109 Svrcek

*Require State Vehicles To Use Gasohol*

An act requiring agencies of state government to use gasohol in state vehicles; and requiring records to be kept of the use of gasohol in state vehicles.

Committee Hearings:	Senate Highways and Transportation House Highways and Transportation
Second Reading Votes:	Senate 49-1; House 90-1
Third Reading Votes:	Senate 46-3; House 94-2

House amended, Senate not concurred 47-0.  
Died in Conference Committee.



**SB 296 Doherty**

*State Agencies to Phase in Use of Ethanol Blended Fuel in State Vehicles*

An act requiring agencies of state government and institutions of higher education to phase in the use of ethanol-blended fuel in state motor vehicles over a 3-year period.

Committee Hearings: Senate Highways and Transportation

Tabled in Senate Committee.

**SJR 22 Doherty**

*Create a State Ethanol Policy*

A Joint Resolution of the Senate and the House of Representatives of the state of Montana requesting an interim study to develop a state policy to encourage the use of ethanol and other liquid fuels derived from renewable, domestically produced agricultural and timber products; directing the Department of Natural Resources and Conservation to appoint an alternative energy advisory committee to conduct the study, develop the proposed policy, and report its findings to the 53rd Legislature.

Committee Hearings: Senate Agriculture  
House Natural Resources

Second Reading Votes: Senate 49-0

Third Reading Votes: Senate 48-1

Tabled in House Committee.

**HB 873 Raney**

*Limiting the Outdoor Lighting of the Capitol Building*

An act limiting the outdoor lighting of the capitol.

Committee Hearings: House State Administration

Tabled in House Committee.

**HB 992 Raney**

*Establishing Transportation Fuels Policy*

An act establishing fuel economy standards for new state vehicles; establishing a pilot project to purchase and test alternative-fueled state vehicles; providing a portion of coal severance tax funds to the Alternative Energy and Energy Conservation Grants and Loans Program for ethanol and vegetable oil research, development, and demonstration; clarifying that the sale of natural gas as a vehicle transportation fuel is not subject to utility regulation; revising the definition of stripper wells and exempting the first 5 barrels of average daily production from the state severance tax if the monthly price of crude oil is less than \$25 per barrel; and providing an immediate effective date and a retroactive applicability date.

Amending sections 15-35-108, 15-36-121, 69-3-101, and 90-4-106, MCA.

Committee Hearings: House Taxation

Tabled in House Committee.

**HB 1001 Debruycker**

*Reduce Fuel Tax on Gasohol*

An act to encourage the production and use of gasohol by providing a lower license tax on gasohol than gasoline.

Amending sections 15-70-201, 15-70-202, 15-70-203, 15-70-204, 15-70-205, 15-70-206, 15-70-207, 15-70-208, 15-70-209, 15-70-221, 15-70-222, 15-70-223, 15-70-225, 60-3-201, and 60-3-202, MCA.

Committee Hearings: House Taxation

Tabled in House Committee.

## Energy - Other

Passed \*

### SB 402 \* Yellowtail

*Requires NWPPCC to Hold Public Hearing in Affected Areas*

An act requiring the Montana members of the Pacific Northwest Electric Power and Conservation Planning Council to hold at least one public hearing in a geographic area affected by the proposed acquisition of major resources from that area.

Committee Hearings:	Senate Agriculture
	House Natural Resources
Second Reading Votes:	Senate 27-20; House 91-0
Third Reading Votes:	Senate 29-21; House 98-0

House amended, Senate concurred 43-5.

### SB 416 \* Williams

*Allow a Tax Credit for the Installation of a Geothermal Device*

An act allowing a tax credit for the installation of a geothermal system; and providing an immediate effective date and a retroactive applicability date.

Amending section 15-32-102, MCA.

Committee Hearings:	Senate Taxation
	House Taxation
Second Reading Votes:	Senate 33-15; House 69-29
Third Reading Votes:	Senate 35-15; House 71-29

House amended, Senate concurred 40-9.

**HB 126 \* Simpkins**

*Clarify Application of Energy Alert Law*

An act to repeal Section 21, Chapter 473, Laws of 1979, which provides the period of effectiveness for the energy supply emergency powers of the governor; and providing a retroactive applicability date.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate - placed on consent calendar, approved by voice vote; House - placed on consent calendar, approved by voice vote
Third Reading Votes:	Senate 49-0; House 99-1

**HB 586 \* Swysgood**

*Hydroelectric Revenues to Water Conservation Projects*

An act allocating hydroelectric power generation revenues derived from state water conservation projects to repair and rehabilitate state water conservation projects; authorizing the Department of Natural Resources and Conservation to transfer funds from the state water project hydroelectric power generation special revenue account and the broadwater replacement and renewal account for payment of debt service on water project bonds; and providing an effective date.

Amending sections 17-7-502 and 85-1-510, MCA.

Committee Hearings:	Senate Finance and Claims House Natural Resources
Second Reading Votes:	Senate 48-1; House 96-1
Third Reading Votes:	Senate 48-0; House 93-2

**HB 684 \* Driscoll**

*Encumber Local Impact Funds for Study of Infrastructure and Clean Coal Center*

An act providing an appropriation of \$500,000 for a Clean Fuels Information Center; providing an appropriation to the Department of Natural Resources and Conservation to make a loan to the MHD-Corette Project; providing for matching requirements; designating the purpose for which the loan must be used; providing for loan repayment; and providing an immediate effective date.

Committee Hearings: Senate Finance and Claims  
House Appropriations  
Second Reading Votes: Senate 48-0; House 86-12  
Third Reading Votes: Senate 47-1; House 88-10

Senate amended, House concurred 80-16.  
Governor amended: Senate concurred 47-1; House concurred 83-4.

**HJR 31 \* Raney**

*Direct the EQC to Develop a State Energy Policy*

A Joint Resolution of the Senate and the House of Representatives of the state of Montana directing the Environmental Quality Council to study energy resources and energy use in Montana and to develop a proposed state energy policy in cooperation with the Department of Natural Resources and Conservation and the Consumer Counsel; and directing the Environmental Quality Council to report its findings to the 53rd Legislature.

Committee Hearings: Senate Natural Resources  
House Natural Resources  
Second Reading Votes: Senate 28-16; House 88-11  
Third Reading Votes: Senate 32-16; House 85-14

**Failed**

**SB 466 Brown, Bob**

*Montana Energy Security Policy Act*

An act restructuring state and local government severance taxes by exempting new production of oil and gas from state severance tax for a period of 24 months; revising the definition of stripper wells; exempting the first 5 barrels of stripper well daily production from the state severance tax if the average price received by the producer from the crude oil is less than \$33 a barrel; conforming the administration of the local government severance tax to that of the state severance tax; revising the distribution of local government severance taxes based on the previous year's mill levies; requiring periodic revisions to the rules relating to the energy conservation and ventilation provisions of the state building code; requiring a builder of a residential building to certify that the building meets certain energy requirements; encouraging utilities to acquire energy conservation resources; establishing a clean

energy savings rebate program for utilities; requiring state agencies to purchase and use gasohol in state vehicles if gasohol is available and competitively priced; requiring gasohol purchase records to be kept by state agencies; requiring review of the records by the legislative auditor; extending until 2001 the termination of the tax incentive for production of alcohol for blending with gasoline; increasing the maximum alcohol tax incentive payments; increasing the maximum incentive payment to an alcohol distributor; and providing an effective date and an applicability date.

Amending sections 15-23-603, 15-32-109, 15-36-101, 15-36-105, 15-36-107, 15-36-108, 15-36-112, 15-36-113, 15-36-114, 15-36-121, 15-70-522, 50-60-203, 69-3-712, MCA.

Committee Hearings: Senate Taxation

Tabled in Senate Committee.

#### **SJR 28 Koehnke**

##### *Study Resolution on State Energy Policy*

A Joint Resolution of the Senate and the House of Representatives of the state of Montana requesting the appointment of a joint interim subcommittee to develop a Montana energy policy; and requiring a report of the findings, recommendations, and proposed legislation to the 53rd Legislature.

Committee Hearings: Senate Natural Resources

House Natural Resources

Second Reading Votes: Senate 46-2

Third Reading Votes: Senate 45-4

Tabled in House Committee.

#### **HB 327 Schye**

##### *Minimum Octane Rating of 87 for Gasoline*

An act setting the minimum octane rating for gasoline at 87.

Amending section 82-15-103, MCA.

Committee Hearings: House Highways and Transportation

Tabled in House Committee.

# Environmental Quality

## Administration

Passed \*

### SB 139 \* Grosfield

*Authorize Conservation District Supervisors to Invest all Surplus Funds*

An act to authorize the board of supervisors of a conservation district to invest any surplus funds of the district; and providing an effective date.

Amending section 76-15-508, MCA.

Committee Hearings:	Senate Natural Resources
	House Natural Resources
Second Reading Votes:	Senate 48-0; House 96-0
Third Reading Votes:	Senate 49-0; House 97-2

### SB 243 \* Mazurek

*Make the Chief Water Judge a Member of the Judges' Retirement System*

An act making the chief water judge a member of the judge's retirement system; providing funding; and providing an effective date.

Amending section 19-5-301, MCA.

Committee Hearings:	Senate State Administration
	House State Administration
Second Reading Votes:	Senate 37-12; House 81-16
Third Reading Votes:	Senate 38-12; House 83-16



**HB 8 \* Connelly**

*Appropriate Money For Reclamation and Development Grants*

An act appropriating money to the Department of Natural Resources and Conservation for grants for designated projects under the Reclamation and Development Grants Program; prioritizing grants and amounts; reauthorizing certain previous grants: and establishing conditions for grants.

Committee Hearings:	Senate Finance and Claims House Appropriations
Second Reading Votes:	Senate 50-0; House 92-7
Third Reading Votes:	Senate 49-0; House 93-4

Senate amended, House concurred 94-5.

**HB 10 \* Bardanouve**

*Oil Overcharge Appropriation*

An act appropriating oil overcharge money for programs administered by the state of Montana; and providing an effective date.

Committee Hearings:	Senate Finance and Claims House Appropriations
Second Reading Vote:	Senate 50-0; House 93-2
Third Reading Votes:	Senate 46-3; House 95-3

**HB 89 \* Grady**

*Change Fish and Game Commission to Fish Wildlife and Parks Commission*

An act to change the name of the Fish and Game Commission to the Fish, Wildlife, and Parks Commission.

Amending section 2-15-3402, MCA.

Committee Hearings:	Senate Fish and Game House Fish and Game
Second Reading Votes:	Senate 49-0; House - placed on consent calendar, approved by voice vote
Third Reading Votes:	Senate 43-6; House 94-2

**HB 120 \* Hayne**

*Create Farm Animal and Research Facility Protection Act*

An act creating the Farm Animal and Research Facilities Protection Act; and providing an immediate effective date.

Committee Hearings:	Senate Agriculture House Judiciary
Second Reading Votes:	Senate 40-7; House 54-45
Third Reading Votes:	Senate 47-2; House 57-43

Senate amended, House concurred 74-23.

**HB 131 \* Brooke**

*Human Skeletal Remains and Burial Site Protection Act*

An act creating the Human Skeletal Remains and Burial Site Protection Act; creating a Burial Preservation Board; establishing reporting and notification procedures regarding disturbance of a burial site; providing for field review and scientific analysis; providing disinterment and reinterment procedures; providing for fees and civil and criminal penalties; providing for disposition of fees, grants, and donations; exempting parts of meetings from the open meeting laws under certain conditions; providing for confidentiality of records; granting the board rulemaking authority; providing for a 2-year statutory appropriation; appropriating money from the general fund; and providing effective dates and a termination date.

Amending sections 2-6-101, 2-6-102, and 17-7-502, MCA.

Committee Hearings:	Senate Judiciary House Appropriations
Second Reading Votes:	Senate 47-0; House 74-21
Third Reading Votes:	Senate 48-0; House 78-20

Governor amended; Senate concurred 49-0,  
House not concurred 73-23.  
Conference Committee Vote: Senate 49-0; House 81-19.

**HB 418 \* Madison**

*Clarify Use of Money Collected by the Board of Water Well Contractors*

An act clarifying that all money collected under Title 37, Chapter 43, MCA, must be reserved for use by the Board of Water Well Contractors; clarifying that the board may expend funds from bonds; providing a statutory appropriation; and providing an immediate effective date.

Amending section 17-7-502, MCA.

Committee Hearings:	Senate Finance and Claims House Appropriations
Second Reading Votes:	Senate 47-2; House 78-14
Third Reading Votes:	Senate 43-2; House 86-10

**HB 498 \* Steppler**

*Revising the Renewable Resource Development Bond and Loan Program*

An act authorizing use of unexpended proceeds from 1985 series C renewable resource development bonds for water development loans to private persons; authorizing deposit of loan payments in the renewable resource development debt service fund; increasing the loan limit on renewable resource development loans; and providing effective dates.

Amending section 90-2-108, MCA.

Committee Hearings:	Senate Finance and Claims House Appropriations
Second Reading Votes:	Senate 50-0; House 79-9
Third Reading Votes:	Senate 48-1; House 92-6

**HB 508 \* Kadas**

*Establishing Montana as a Member of "The Pacific Northwest Economic Region"*

An act establishing Montana as a member of the Pacific Northwest Economic Region; providing for the appointment of members to the Pacific Northwest Economic Region and its committees; appropriating funds for participation in the Pacific Northwest Economic Region; and providing effective dates.

Amending section 5-11-301, MCA.

Committee Hearings: Senate Finance and Claims  
House Appropriations  
Second Reading Votes: Senate 50-0; House 81-14  
Third Reading Votes: Senate 41-8; House 73-26

Senate amended, House concurred 86-12.

**HB 551 \* O'Keefe**

*Amending the Wastewater Treatment Revolving Fund Act*

An act amending the Wastewater Treatment Revolving Fund Act to allow net proceeds or bonds to be deposited in the state allocation account; removing the requirement that principal repayments must be credited proportionately to the state allocation account and the federal allocation account; authorizing bonds to be issued by resolution or trust indenture; requiring local governments to establish and maintain reserves; and providing an immediate effective date.

Amending sections 75-5-1106, 75-5-1113, and 75-5-1121, MCA.

Committee Hearings: Senate Finance and Claims  
House Natural Resources  
Second Reading Votes: Senate 48-0; House 96-1  
Third Reading Votes: Senate 46-1; House 99-0

Senate amended, House not concurred 96-0.  
Free Conference Committee Vote: Senate 47-0; House 96-2.

**HB 639 \* Hansen, Stella Jean**

*Late Fee for License to Clean Septic Tanks, Cesspools, and Privies*

An act to authorize a late fee for late renewal of a license to engage in the business of cleaning septic tanks, cesspools, and privies; to allocate proceeds from late fees and the state's share of annual license fees to fund programs to enforce the laws regulating the business of cleaning septic tanks, cesspools, and privies.

Amending section 37-41-202, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources  
Second Reading Votes: Senate 43-5; House 85-9  
Third Reading Votes: Senate 34-15; House 88-8

**HB 684 \* Driscoll**

*Encumber Local Impact Funds for Study of Infrastructure and Clean Coal Center*

An act providing an appropriation of \$500,000 for a Clean Fuels Information Center; providing an appropriation to the Department of Natural Resources and Conservation to make a loan to the MHD-Corette Project; providing for matching requirements; designating the purpose for which the loan must be used; providing for loan repayment; and providing an immediate effective date.

Committee Hearings: Senate Finance and Claims  
House Appropriations

Second Reading Votes: Senate 48-0; House 86-12

Third Reading Votes: Senate 47-1; House 88-10

Senate amended, House concurred 80-16.

Governor amended: Senate concurred 47-1; House concurred 83-4.

**HB 691 \* Toole**

*Removing Governmental Immunity for Environmental Damage*

An act removing governmental entity immunity for actions resulting in surface water or ground water damage; and providing an immediate effective date and a retroactive applicability provision.

Amending section 2-9-111, MCA.

Committee Hearings: Senate Judiciary  
House Judiciary

Second Reading Votes: Senate 31-16; House 58-41

Third Reading Votes: Senate 37-11; House 60-39

Senate amended, House not concurred 63-26.

Conference Committee Vote: Senate 44-3; House 74-24.

**HB 703 \* Bradley**

*Science and Technology Investment in Venture Capital Companies*

An act authorizing the Montana Science and Technology Alliance to use up to \$2 million to make loans of not more than \$1 million from the in-state investment fund to private venture capital companies for investment in new or expanding business; providing criteria for the investment loans; providing terms for the investment loans; and providing an effective date.

Amending sections 90-3-102, 90-3-501, 90-3-522, and 90-3-523, MCA.

Committee Hearings:	Senate Business and Industry House Business and Economic Development
Second Reading Votes:	Senate 48-0; House 96-3
Third Reading Votes:	Senate 46-1; House 94-5

Senate amended, House concurred 96-3.

#### **HB 906 \* Connolly**

##### *Funding for Forestry Extension Service*

An act increasing the fees paid under fire hazard reduction agreements and master fire hazard reduction agreements; establishing a forestry extension service special revenue account for the Montana university system; and providing an immediate effective date and an applicability date.

Amending sections 76-13-408 and 76-13-414, MCA.

Committee Hearings:	Senate Finance and claims House Appropriations
Second Reading Votes:	Senate 45-0; House 83-11
Third Reading votes:	Senate 49-1; House 84-15

#### **HB 990 \* Rice, Sheila**

##### *Fund National Historic Trail Interpretive Center*

An act appropriating \$1 million from the general fund to the Department of Commerce, to be used as matching funds for the development and construction of a Lewis and Clark National Historic Trail Interpretive Center; providing coordination instructions; and providing an effective date.

Committee Hearings:	Senate Finance and Claims House Appropriations
Second Reading Votes:	Senate 29-17; House 83-15
Third Reading Votes:	Senate 35-14; House 86-14

Senate amended, House not concurred 35-63.

Free Conference Committee vote: Senate 48-1; House 56-42.

Governor amended: Senate concurred 48-0; House concurred 73-23.



## Failed

### SB 27   **Svrcek**

#### *Exempt Vehicles Transporting Recyclable Materials from Carrier Regulations*

An act exempting motor vehicles used exclusively for the transportation of recyclable or recycled materials from laws regulating motor carriers.

Amending sections 69-12-101 and 69-12-102, MCA.

Committee Hearings:                      Senate Highways and Transportation

Tabled in Senate Committee.

### SB 55   **Crippen**

#### *Big Sky Dividend Program*

An act establishing the Big Sky Dividend Infrastructure Grant Program; providing for grants to local governments to assist in funding capital projects; creating an Infrastructure Advisory Council; and providing an immediate effective date and a termination date.

Committee Hearings:                      Senate Taxation

Tabled in Senate Committee.

### HB 199   **Gilbert**

#### *Change the Name and Reallocate Portions of the Resource Indemnity Trust Tax*

An act changing the name of the Resource Indemnity Trust Tax; creating a water storage account for the repair of state-owned water projects; reallocating portions of the tax proceeds to the oil and gas production damage mitigation account, the ground water assessment account, and the water storage account; allocating a portion of the tax proceeds to the water storage account after the Resource Indemnity Trust Fund reaches \$100 million; creating a ground water monitoring program and a ground



water characterization program; establishing a ground water assessment steering committee; and providing an effective date.

Amending sections 15-38-101; 15-38-102, 15-38-106, 15-38-202, and 82-11-161, MCA.

Committee Hearings: House Natural Resources

Tabled in House Committee.

#### HB 352 Raney

*Allow Snowmobile Account Funds to be Used to Minimize Environmental Effects*

An act to provide that gasoline dealers' license tax proceeds credited to the snowmobile account may be used to minimize the environmental consequences of snowmobile facilities; and providing an effective date and an applicability date.

Amending section 60-3-201, MCA.

Committee Hearings: House Highways and Transportation

Tabled in House Committee.

#### HB 593 Larson

*Allowing Certain Signs Near A Primary Highway*

An act revising the Outdoor Advertising Act to allow certain signs adjacent to a primary highway.

Amending section 75-15-111, MCA.

Committee Hearings: House Highways and Transportation

Tabled in House Committee.

#### HB 795 Harper

*Create the Montana Community Infrastructure Act*

An act creating the Montana Community Infrastructure Act; creating an infrastructure trust fund within the permanent coal tax trust fund; creating a special revenue account for interest

earned on the coal severance tax infrastructure fund; making interest in the special revenue account available for local infrastructure projects; authorizing the issuance of coal severance tax bonds for the purpose of providing assistance for local government infrastructure projects; providing for the terms and conditions of financial assistance; providing a method of recommending priorities for projects; requiring legislative authorization for projects; appropriating money in the special revenue account to the Department of Commerce for use by local governments for engineering studies for local government infrastructure projects; and providing an effective date.

Amending sections 17-5-701, 17-5-702, 17-5-703, 17-5-704, 17-5-706 and 17-5-719, MCA.

Committee Hearings:	Senate Taxation
	House Appropriations
Second Reading Votes:	Senate 28-21; House 58-42
Third Reading Votes:	Senate 29-21; House 58-41

Senate amended, House not concurred 99-0.

Free Conference Committee vote: Senate 30-20; House 60-36.

Vetoed by Governor.

#### **HB 801 Menahan**

##### *Define Polluted Property for Purposes of Taxation*

An act defining polluted property for the purposes of taxation; establishing a public policy for the taxation of polluted property; providing for a method of appraising polluted property; providing that unpaid taxes on Class Twenty-one property are a lien on all other property owned by the owner of the Class Twenty-one property; and providing an applicability date.

Amending sections 15-1-101, 15-7-103, 15-8-111, and 15-16-403, MCA.

Committee Hearings:	Senate Taxation
	House Taxation
Second Reading Votes:	Senate 48-0; House 53-31
Third Reading Votes:	Senate 44-5; House 62-38

Senate amended, House not concurred 89-7.

Free Conference Committee vote: Senate 31-18; House 75-25.

Vetoed by Governor.

**HB 843 Lee**

*Fund Flathead Lake Biological Station*

An act appropriating money for project expansion and infrastructure at the Flathead Lake Biological Station.

Committee Hearings: House Appropriations

Tabled in House Committee.

**HB 855 Rice, Sheila**

*Recycled Products Procurement Act*

An act mandating that state agencies procure recycled paper products; and specifying by weight the percent of recycled paper to be procured by certain dates.

Committee Hearings: House Natural Resources

Tabled in House Committee.

**HB 866 Brown, Dave**

*Reorganize Environmental Functions of State Government*

An act transferring the functions of the Board of State Land Commissioners and the commissioner and Department of State Lands related to reclamation of mined lands, coal mining impacts, and hard-rock mining impacts to the board, director and Department of Health and Environmental Sciences; directing the Environmental Quality Council to conduct a study of the need for additional reorganization; and providing effective dates.

Amending sections 17-5-101, 17-5-202, 80-8-110, 82-4-103, 82-4-111, 82-4-112, 82-4-123, 82-4-129, 82-4-203, 82-4-204, 82-4-205, 82-4-223, 82-4-227, 82-4-321, 82-4-337, 82-4-362, 82-4-421, 82-4-422, 82-4-425, 82-4-427, and 90-15-102, MCA.

Committee Hearings: Senate State Administration  
House Natural Resources

Second Reading Votes: Senate 18-30; House 65-32

Third Reading Votes: House 71-28

**HB 928 Toole**

*Citizens Suit for Environmental Protection*

An act allowing a person to bring a suit in the name of the state to enforce Title 75 or an Administrative Rule, Order or Standard adopted pursuant to Title 75.

Committee Hearings: House Judiciary

Tabled in House Committee.

**HB 939 Rice, Sheila**

*Urban Reforestation Grant Program*

An act establishing an urban reforestation grant program; establishing an urban reforestation special revenue account; providing rulemaking authority; providing an appropriation; and providing an effective date.

Committee Hearings: House Appropriations

Tabled in House Committee.

## Montana Environmental Policy Act (MEPA)

Passed \*

HB 576 \* Harper

*Require EIS on Import or Transplant of Fish and Increase Penalty*

An act revising the law regarding the transplantation or introduction of wildlife by requiring an environmental review prior to transplantation or introduction of a fish species in Montana; and increasing the penalty for the illegal importation, introduction, or transplantation of fish.

Amending sections 87-5-721, MCA.

Committee Hearings:	Senate Fish and Game
	House Fish and Game
Second Reading Votes:	Senate 49-0; House 99-0
Third reading Votes:	Senate 49-0; House 95-1

Senate amended, House concurred 99-0.

# Fish and Wildlife

## Hunting, Fishing, Trapping, Outfitting

Passed \*

### SB 142 \* Beck

*Specify Requirements for Holders of Special Elk Permits for Antlerless Elk*

An act requiring that a person who is issued a special elk permit to hunt antlerless elk during the regular hunting season is limited to the hunting and taking of only an antlerless elk in the hunting district where the permit is valid; and providing an immediate effective date.

Amending section 87-2-704, MCA.

Committee Hearings:	Senate Fish and Game House Fish and Game
Second Reading Votes:	Senate 46-2; House 91-7
Third Reading Votes:	Senate 46-3; House 84-15

House amended, Senate concurred 47-0.

### SB 171 \* Svrcek

*Increase Certain Fishing and Hunting License Fees and License Agent Commission*

An act increasing certain fishing and hunting license fees and the License Agent Commission; revising the provisions of the Class B-10 nonresident big game combination license; and providing a delayed effective date.

Amending sections 87-2-113, 87-2-202, 87-2-301, 87-2-302, 87-2-304, 87-2-306, 87-2-402, 87-2-403, 87-2-501, 87-2-505, 87-2-508, 87-2-510, 87-2-701, 87-2-704, 87-2-708, 87-2-711, and 87-2-903, MCA.

Committee Hearings: Senate Fish and Game  
House Fish and Game  
Second Reading Votes: Senate 43-5; House 72-27  
Third Reading Votes: Senate 44-5; House 62-38

House amended, Senate not concurred 29-15.  
Free Conference Committee Vote: Senate 39-11; House 72-35.

**SB 239 \* Van Valkenburg**

*Establish as Felonies the Sale and Possession of Unlawfully Taken Wildlife*

An act establishing as felonies the sale of unlawfully taken wildlife and the possession of unlawfully taken wildlife having a value of more than \$1,000; revising the restitution penalties for the illegal killing or possession of certain wildlife; defining "lawfully taken wildlife" and "unlawfully taken wildlife"; and providing an immediate effective date.

Amending sections 87-1-111 and 87-3-111, MCA.

Committee Hearings: Senate Fish and Game  
House Fish and Game  
Second Reading Votes: Senate 48-0; House 76-13  
Third Reading Votes: Senate 48-0; House 89-10

House amended, Senate concurred 48-0.

**SB 240 \* Van Valkenburg**

*Generally Revise Fish and Game Misdemeanor Statutes*

An act to generally revise the law regarding fish and game misdemeanor penalties; and providing an immediate effective date.

Amending sections 45-1-205, 87-1-102, 87-2-106, 87-3-102, 87-3-103, 87-3-104, and 87-3-111, MCA.

Committee Hearings: Senate Fish and Game  
House Fish and Game  
Second Reading Votes: Senate 48-0; House 90-0  
Third Reading Votes: Senate 49-0; House 95-2



**SB 291 \* Rye**

*Prohibit Attempting to Take Simulated Wildlife*

An act making it unlawful to attempt to take a simulated wildlife decoy; providing a penalty; and providing an effective date.

Committee Hearings:	Senate Fish and Game House Fish and Game
Second Reading Votes:	Senate 33-12; House 73-18
Third Reading Votes:	Senate 43-6; House 74-24

**SB 298 \* Yellowtail**

*Clarify Residency for Hunting, Fishing and Trapping Licensing*

An act clarifying the elements necessary to determine residency for purposes of hunting, fishing, and trapping licensing; providing for the documentation of residency; providing penalties; and providing an effective date.

Amending sections 87-2-102, 87-2-106, 87-2-109, and 87-2-202, MCA.

Committee Hearings:	Senate Fish and Game House Fish and Game
Second Reading Votes:	Senate 49-0; House - placed on consent calendar, approved by voice vote
Third Reading Votes:	Senate 49-0; House 99-0

**SB 449 \* Grosfield**

*Provide that Game Wardens Enforce Laws Regarding Outfitters and Guides*

An act to clarify that wardens of the Department of Fish, Wildlife, and Parks have authority to enforce statutes and rules relating to the regulation of outfitters and guides in the state; and providing an immediate effective date.

Amending section 87-1-506, MCA.

Committee Hearings:	Senate Fish and Game House Fish and Game
Second Reading Votes:	Senate 92-0; House 48-0
Third Reading Votes:	Senate 95-1; House 49-0

**HB 17 \* Ream**

*Allow Regulation of Archery Equipment by Fish and Game Commission*

An act allowing the Fish and Game Commission to adopt rules regarding the use and type of archery equipment that may be employed for hunting and fishing purposes; and restricting the use of prohibited archery equipment.

Amending section 87-1-301, MCA.

Committee Hearings:	Senate Fish and Game House Fish and Game
Second Reading Votes:	Senate 46-0; House 95-3
Third Reading Votes:	Senate 49-0; House 92-4

**HB 33 \* O'Keefe**

*Create Offense and Provide Penalty for Illegal Posting of State and Federal Land*

An act creating the offense of illegal posting of state and federal land; providing that a person who knowingly posts state or federal land as private property or as being closed to hunting or trespassing is guilty of a crime; and providing a penalty.

Committee Hearings:	Senate Fish and Game House Fish and Game
Second Reading Votes:	Senate 49-0; House 70-22
Third Reading Votes:	Senate 49-0; House 78-19

Senate amended, House not concurred 89-2.

Free Conference Committee vote: Senate 40-9; House 82-15.

**HB 91 \* Gilbert**

*Revise Eligibility for Moose, Goat, and Sheep Licenses -- 7 Year Waiting Period*

An act prohibiting a person who receives a moose, mountain goat, or limited mountain sheep special license from receiving another special license for that species for 7 years; and providing an immediate effective date.

Amending section 87-2-702, MCA.

Committee Hearings: Senate Fish and Game  
House Fish and Game  
Second Reading Votes: Senate 48-0; House 95-3  
Third Reading Votes: Senate 48-0; House 92-6

**HB 107 \* Johnson, John**

*Revise Safety Instruction Requirements for Issuance of a Bow and Arrow License*

An act revising the safety instruction requirements necessary for issuance of a bow and arrow license; and providing a delayed effective date.

Amending section 87-2-105, MCA.

Committee Hearings: Senate Fish and Game  
House Fish and Game  
Second Reading Votes: Senate 29-14; House 71-28  
Third Reading Votes: Senate 40-9; House 82-18

**HB 115 \* Johnson, John**

*Revise Paddlefish Roe Donation Program*

An act revising the Paddlefish Roe Donation Program; defining the intake fishing access site for purposes of donation of roe to the program; and providing an immediate effective date.

Amending section 87-4-601, MCA.

Committee Hearings: Senate Fish and Game  
House Fish and Game  
Second Reading Votes: Senate 49-0; House 97-2  
Third Reading Votes: Senate 49-0; House 95-4

**HB 166 \* Keller**

*Revise Spotlighting Statute 87-3-122, MCA*

An act to conform the provisions of the spotlighting while hunting statute to the decision of the Montana Supreme Court in State V. Austin, 217 Mont. 265, 704 p.2D 55 (1985), by inserting a requirement that the violation be committed purposely or knowingly and by limiting the landowner's exemption to nonhunting activities.

Amending section 87-3-122, MCA.

Committee Hearings:	Senate Fish and Game House Fish and Game
Second Reading Votes:	Senate 49-0; House 92-2
Third Reading Votes:	Senate 49-0; House 97-2

**HB 390 \* Ream**

*Eliminate Sale of Special Wild Buffalo Licenses*

An act eliminating the sale of special wild buffalo licenses; establishing the wild buffalo or bison as a species in need of management; establishing departmental management duties; urging the state and the National Park Service to enter into an agreement for the long-term management of the Yellowstone National Park herd; requiring a report on the progress of bison management to the 53rd Legislature; and providing an immediate effective date.

Amending section 87-2-701, MCA; repealing section 87-2-723, MCA.

Committee Hearings:	Senate Fish and Game House Fish and Game
Second Reading Votes:	Senate 28-20; House 56-42
Third Reading Votes:	Senate 30-20; House 55-45

Senate amended, House concurred 70-26.

**HB 403 \* Spring**

*Require Fish and Game Commission to Adopt Rules on Falconry and Raptors*

An act requiring the Fish and Game Commission to regulate certain aspects of the use and breeding of raptors and the sport of falconry by administrative rule, in order to maintain conformity with federal law.

Amending sections 87-5-204, 87-5-208 and 87-5-210, MCA; and repealing section 87-5-206, MCA.

Committee Hearings:	Senate Fish and Game House Fish and Game
Second Reading Votes:	Senate 49-0; House 98-0
Third Reading Votes:	Senate 47-1; House 97-2

Senate amended, House concurred 94-3.

**HB 487 \* Wyatt**

*Limit Relocation of Shooting Range and Compensate for Relocation of Range*

An act protecting shooting range locations; exempting shooting ranges from certain laws relating to litter control, community decay, disorderly conduct, and public nuisance; and providing an immediate effective date.

Amending sections 7-5-2109, 7-5-2110, 45-8-101, and 45-8-111, MCA.

Committee Hearings:	Senate Fish and Game House Local Government
Second Reading Votes:	Senate 48-2; House - placed on consent calendar, approved by voice vote
Third Reading Votes:	Senate 44-6; House 84-14

**HB 563 \* Knox**

*Eliminate Fee Title Requirement for Landowner Preference on Elk Licenses*

An act revising the elk license and special elk permit landowner preference system by requiring that a person issued a license or permit under the preference shall own or be contracting to purchase the land rather than that the land be held in fee title.

Amending sections 87-2-501 and 87-2-705, MCA.

Committee Hearings:	Senate Fish and Game House Fish and Game
Second Reading Votes:	Senate 50-0; House 94-6
Third Reading Votes:	Senate 50-0; House 92-7

**HB 615 \* Thoft**

*Allow 3-day Nonresident Shooting Preserve Bird Hunting Stamp and Revise Season*

An act providing for issuance of a 3-day nonresident shooting preserve bird hunting stamp for use only on a shooting preserve; revising the restriction on shooting preserve seasons; and revising shooting preserve harvest provisions.

Amending sections 87-4-504, 87-4-521, 87-4-527, MCA.

Committee Hearings:	Senate Fish and Game House Fish and Game
Second Reading Votes:	Senate 47-0; House 93-2
Third Reading Votes:	Senate 48-0; House 89-5

**HB 778 \* Brown, Dave**

*Recreational Use of State Lands*

An act revising the laws relating to the use of state lands; providing that allowable use of state lands includes general recreational uses by the public; requiring the Board of Land Commissioners to adopt rules to authorize and govern the recreational use and closure of state lands; requiring purchase and possession of a recreational use license by persons 12 years of age or older for the general recreational use of state lands; providing for the enforcement of the license requirement by the wardens of the Department of Fish, Wildlife, and Parks; providing penalties; providing for the statutory appropriation of the license fees and penalties; providing compensation for damage to a lessee's improvements, growing crops and livestock; and providing a delayed effective date.

Amending sections 17-7-502, 19-8-504, 77-1-101, 77-1-202, 77-1-203, 77-1-204, 77-1-402, 87-1-102, 87-1-502, 87-1-504, and 87-1-601, MCA.

Committee Hearings:	Senate Judiciary House Natural Resources
Second Reading Votes:	Senate 47-1; House 70-29
Third Reading Votes:	Senate 49-0; House 65-32

**Failed**

**SB 219 Bianchi**

*Remove 10-Mile Limit on Shooting Preserve Location and Set Flat License Fee*

An act revising the law regarding shooting preserves by removing the 10-mile restriction on preserve location and establishing a flat fee for shooting preserve licenses or permits.

Amending sections 87-4-502 and 87-4-503, MCA.



Committee Hearings:	Senate Fish and Game
	House Fish and Game
Second Reading Votes:	Senate 49-0
Third Reading Votes:	Senate 48-1

Tabled in House Committee.

**SB 292    Nathe**

*Repeal Statutes Restricting Possession of Wild Animals*

An act to repeal statutes restricting the possession of wild animals.

Repealing sections 50-23-101, 50-23-102, 50-23-103, 50-23-104, 50-23-105, and 50-23-106, MCA.

Committee Hearings:	Senate Fish and Game
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Tabled in Senate Committee.

**SB 376    Waterman**

*Limit Landowner Elk Hunting Preference to Antlerless Elk Only*

An act to limit the landowner elk hunting preference to the hunting of antlerless elk.

Amending section 87-2-705, MCA.

Committee Hearings:	Senate Fish and Game
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Adverse Senate Committee report adopted 43-5.

**SB 401    Pipinich**

*Require FWP to Seize Game Transported by Vehicle in Closed Area*

An act requiring that the Department of Fish, Wildlife, and Parks shall seize game being transported by vehicle in an area that has been legally closed to the use of vehicles.

Committee Hearings:	Senate Fish and Game
	House Fish and Game
Second Reading Votes:	Senate 49-0;    House 37-61
Third Reading Votes:	Senate 49-0



**SB 418 Rea**

*Require Fish, Wildlife, and Parks to Employ Full-time Veterinarian*

An act allowing the Department of Fish, Wildlife, and Parks to employ at least one licensed veterinarian on a full-time basis; and providing an immediate effective date.

Committee Hearings: Senate Fish and Game

Adverse Senate Committee report adopted 41-6.

**SB 439 Grosfield**

*Establish Buffalo Management Plan Guidelines; Revise Penalty and Restitution*

An act establishing guidelines applicable to any wild buffalo or bison management plan implemented by the Department of Fish, Wildlife, and Parks; revising the penalty and restitution provisions applicable to wild bison and buffalo; and providing an immediate effective date.

Amending section 87-1-102 and 87-1-111, MCA.

Committee Hearings: Senate Fish and Game

Tabled in Senate Committee.

**HB 31 Debruycker**

*Establish Open Season in Shooting Preserves -- Repeal Bird License Requirement*

An act revising the law regarding shooting preserves by establishing a year-round hunting season and eliminating the requirement that persons hunting on shooting preserves have an upland game bird license.

Amending section 87-4-521, MCA; and repealing section 87-4-504, MCA.

Committee Hearings: House Fish and Game

Tabled in House Committee.

**HB 88    Stang**

*Allow Use of Dogs in Pursuing Black and Brown Bear*

An act to grant to the Fish, Wildlife, and Parks the authority to allow and regulate the use of dogs for pursuing black and brown bear.

Amending section 87-3-124, MCA.

Committee Hearings:                      House Fish and Game

Tabled in House Committee.

**HB 219    Raney**

*Suspend Sale of Buffalo Licenses Pending State-Federal Management Plan*

An act suspending the sale of special wild buffalo licenses until a long-term management plan has been entered into between appropriate state and federal agencies; and providing an immediate effective date and a contingent termination date.

Amending section 87-2-723, MCA.

Committee Hearings:                      House Fish and Game

Died in House Committee.

**HB 583    Ellison**

*Create Class B-11-W Nonresident Combination License and Revise Other Licenses and Fees*

An act establishing a Class B-11-W nonresident whitetail deer combination license and defining its terms and fee; and providing a delayed effective date and a termination date.

Amending sections 87-2-504 and 87-2-511, MCA.

Committee Hearings:                      House Fish and Game

Second Reading Votes:                      House 34-64

**HB 598 Clark**

*Protect Albino Wild Birds, Mammals, and Fish; Provide Definition and Exceptions*

An act providing for the protection of certain albino wild animals by prohibiting the possession, transportation, or killing of an albino wild bird, mammal, or fish; defining albino; and providing exceptions.

Committee Hearings: House Fish and Game

Tabled in House Committee.

**HB 611 Schye**

*Revise Antelope License Drawing to Set Aside a Percentage for Nonresident Using Outfitter*

An act revising the drawing provisions applicable to special antelope licenses; and reserving a portion of the licenses available to nonresidents for applicants who intend to use the services of a licensed outfitter.

Amending section 87-2-706, MCA.

Committee Hearings: House Fish and Game

Tabled in House Committee.

**HB 805 Menahan**

*Refund Part of Buffalo License Fee Under Certain Circumstances*

An act providing for the conditional refund of a portion of the special wild buffalo license fee based on the age and sex of wild buffalo taken at the hunt.

Amending section 87-2-723, MCA.

Committee Hearings: House Fish and Game

Died in House Committee.

**HB 951 Driscoll**

*Provide State Funding for Development of Shooting Ranges*

An act statutorily appropriating money to the Department of Fish, Wildlife, and Parks for grants for establishment and improvement of shooting ranges; establishing shooting range development grants and criteria for grants; increasing elk and deer license fees to provide funds for the shooting range grants program; and providing an effective date.

Amending sections 17-7-502, 87-2-501, 87-2-504, 87-2-505, 87-2-510, and 87-2-711, MCA.

Committee Hearings:                      House Fish and Game

Tabled in House Committee.

**HB 1002 Ellison**

*Generally Revise Laws Relating to Outfitters and Guides*

An act to generally revise the laws relating to outfitters and guides; establishing master guide as a licensed position; establishing qualifications and licensing criteria for a master guide; providing for hiring of an executive director for the Board of Outfitters; providing an administrative penalty for a violation of outfitter laws and revising other penalties; and providing an immediate effective date.

Amending sections 37-47-101, 37-47-102, 37-47-201, 37-47-301, 37-47-302, 37-47-303, 37-47-304, 37-47-305, 37-47-307, 37-47-308, 37-37-309, 37-47-310, 37-47-341; 37-47-343, 37-47-344, 37-47-402, 37-47-403, and 37-47-404, MCA.

Committee Hearings:                      Senate Fish and Game

House Fish and Game

Second Reading Votes:                      House 57-41

Third Reading Votes:                      House 61-37

Tabled in Senate Committee.

## Fish and Wildlife - Other

Passed \*

### SB 362 \* Grosfield

*Create Park Rangers and Establish their Powers and Duties*

An act creating park rangers and establishing their powers and duties; applying peace officer employment, education, and certification standards to park rangers, expanding and clarifying the authority of wardens, ex officio wardens, and park rangers to enforce laws contained in Title 23, MCA, relating to state parks; establishing responsibility for park fee violations involving vehicles; and providing an immediate effective date.

Amending sections 7-32-303, 23-1-105, 23-1-106, 23-2-410, 23-2-506, 23-2-641, 23-2-806, 77-5-104, 87-1-502, and 87-1-503, MCA.

Committee Hearings:	Senate Fish and Game House Fish and Game
Second Reading Votes:	Senate 44-5; House 54-38
Third Reading Votes:	Senate 43-6; House 51-45

House amended, Senate concurred 48-1.

### HB 174 \* Grady

*Exempt Biennial Seasonal Rules Adopted by FWP from MAPA*

An act to exempt certain seasonal rules adopted biennially by the Department of Fish, Wildlife, and Parks from the provisions of the Montana Administrative Procedure Act; and providing an immediate effective date.

Amending section 2-4-102, MCA.

Committee Hearings:	Senate Fish and Game House Fish and Game
Second Reading Votes:	Senate 47-0; House 83-7
Third Reading Votes:	Senate 47-1; House 91-9

**HB 556 \* Ream**

*Revise Law on Identification, Transporting, and Inspection of Game Farm Animal*

An act revising the law regarding game farms and game farm animals, including the identification, transportation, and inspection of game farm animals and reports required of game farm licensees; providing that importation permits and health certificates are required of game farm animals; and restricting the importation of certain species for game farm purposes.

Amending sections 81-2-702, 87-4-408, 87-4-414, 87-4-415, 87-4-417, and 87-4-423, MCA.

Committee Hearings:	Senate Fish and Game House Fish and Game
Second Reading Votes:	Senate 48-1; House - placed on consent calendar, approved by voice vote
Third Reading Votes:	Senate 47-2; House 90-8

Senate amended, House concurred 97-1.

**HB 576 \* Harper**

*Require EIS on Import or Transplant of Fish and Increase Penalty*

An act revising the law regarding the transplantation or introduction of wildlife by requiring an environmental review prior to transplantation or introduction of a fish species in Montana; and increasing the penalty for the illegal importation, introduction, or transplantation of fish.

Amending sections 87-5-711, and 87-5-721, MCA.

Committee Hearings:	Senate Fish and Game House Fish and Game
Second Reading Votes:	Senate 49-0; House 99-0
Third reading Votes:	Senate 49-0; House 95-1

Senate amended, House concurred 99-0.

## Failed

### SB 13    Bianchi

*Extend the Termination Date of the Wildlife Habitat Acquisition Program*

An act extending the termination date of the Wildlife Habitat Acquisition Program.

Amending Section 12, Chapter 598, Laws of 1987.

Committee Hearings:	Senate Fish and Game House Fish and Game
Second Reading Votes:	Senate 33-14
Third Reading Votes:	Senate 33-15

Tabled in House Committee.

### SB 340    Bianchi

*Increase Fishing License Fees and Use Revenues to Enhance Instream Flows*

An act increasing resident and nonresident fishing license fees and earmarking the revenue for enhancing or maintaining instream flows; and establishing a policy for purchases made with these fees, including the analysis of social and economic impacts.

Amending sections 87-2-301, 87-2-302, and 87-2-304, MCA.

Committee Hearings:	Senate Natural Resources
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Tabled in Senate Committee.

### HB 401    Brown, Dave

*Authorize Board of Land Commissioners to Implement State Lands Recreation Access Program*

An act authorizing the Board of Land Commissioners to implement a program allowing recreational access to state lands; and authorizing the Fish and Game Commission to increase conservation license fees by up to \$2 to fund public access to state lands for recreational purposes.



Amending sections 17-3-1003, 18-2-107, 20-9-341, 20-25-422, and 87-2-202, MCA.

Committee Hearings:                   House Natural Resources

Died in House Committee.

**HB 808   Elliott**

*Increase Fish and Game Commission Membership from Five to Seven*

An act increasing from five to seven the number of members on the Fish and Game Commission; and revising the areas used to determine appointment of commission members from five commission districts to the seven fish and game administrative regions.

Amending sections 2-15-1883 and 2-15-3402, MCA.

Committee Hearings:                   House Fish and Game

Tabled in House Committee.

# Forest Management

Passed \*

## HB 192 \* Wanzenried

*Include Transporting Logs Under Motor Carrier Act; Establish Contract Terms*

An act to include the transportation of logs as a regulated commodity under the laws related to motor carriers; to establish a new Class E motor carrier classification for transporting logs; providing qualifications for certification of Class E motor carriers; providing for Class E motor carrier contract provisions, and contract forms; and providing effective dates and a termination date.

Amending sections 69-12-101, 69-12-102, 69-12-201, 69-12-205, 69-12-301, 69-12-321, 69-12-322, 69-12-407, and 69-12-611, MCA.

Committee Hearings:	Senate Highways and Transportation House Highways and Transportation
Second Reading Votes:	Senate 33-13; House 58-40
Third Reading Votes:	Senate 38-12; House 60-40

Senate amended, House concurred 81-18.

## HB 223 \* Lee

*Eliminating Requirement to Use Scribner Log Scale on State Timber Sales*

An act to eliminate the requirement that the Department of State Lands use the Scribner Log Scale for measuring volume for state timber sales.

Amending section 77-5-206, MCA.

Committee Hearings:	Senate Natural Resources House Business and Economic Development
Second Reading Votes:	Senate 49-0; House 90-0
Third Reading Votes:	Senate 49-0; House 100-0

**HB 340 \* Ream**

*Revise Taxation of Private Forest Land Based on Forest Productivity Value*

An act to generally revise the taxation of private forest lands; defining forest land and forest productivity value; requiring the Department of Revenue to value forest lands of 15 acres or more on the basis of productivity by capitalizing the net income of forest land; authorizing the Department of Revenue to establish forest valuation zones; providing for a transition period in the taxation of forest lands by extending the termination date of Class Thirteen property; providing that Class Thirteen will apply to the taxation of forest lands beginning January 1, 1994; exempting timber from ad valorem property taxation; imposing an assessment on all privately owned timber land; providing an appropriation; and providing effective dates, applicability dates, and a termination date.

Amending sections 15-1-101, 15-6-143, 15-6-201, and 15-8-111, MCA, and Section 10, Chapter 681, Laws of 1985.

Committee Hearings:	Senate Taxation
	House Appropriations
Second Reading Votes:	Senate 48-0; House 67-33
Third Reading Votes:	Senate 49-0; House 68-31

Governor amended: Senate concurred 48-0; House concurred 86-11.

**HB 452 \* Larson**

*Provide 7-year Taxable Value Decrease for Certain New and Expanding Industries*

An act providing a 7-year taxable value decrease for qualifying machinery and equipment of expanding industries that process Montana raw materials or use Montana semifinished products in manufacturing; defining qualifying property; providing for governing body approval; and providing an immediate effective date and an applicability date.

Committee Hearings:	Senate Taxation
	House Taxation
Second Reading Votes:	Senate 48-0; House 94-5
Third Reading Votes:	Senate 49-0; House 96-4

Senate amended, House not concurred 97-0.  
Free Conference Committee vote: Senate 48-0; House 93-0

**HB 724 \* Elliott**

*Prohibition on Timber from State Lands as Substitute for Exported Timber*

An act prohibiting the use of unprocessed timber from state lands as a substitute for unprocessed timber exported from the United States; and directing the amendment of Rule 26.6.411, Administrative Rules of Montana.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 48-0; House 94-4
Third Reading Votes:	Senate 47-1; House 92-7

**HB 731 \* Ream**

*Management Standards for Forest Practices in Streamside Management Zones*

An act providing management standards for the conduct of forest practices in streamside management zones; authorizing the Department of State Lands to adopt and enforce rules implementing the streamside management standards; allowing alternative forest practices in certain circumstances; authorizing the Department of State Lands to issue administrative orders for site rehabilitation; providing penalties for noncompliance with streamside management standards; and establishing a forest stewardship special revenue account.

Committee Hearings:	Senate Natural Resources House Appropriations
Second Reading Votes:	Senate 34-13; House 70-26
Third Reading Votes:	Senate 39-9; House 73-26

Senate amended, House concurred 77-21.

**HB 906 \* Connolly**

*Funding for Forestry Extension Service*

An act increasing the fees paid under fire hazard reduction agreements and master fire hazard reduction agreements; establishing a forestry extension service special revenue account for the Montana university system; and providing an immediate effective date and an applicability date.

Amending sections 76-13-408 and 76-13-414, MCA.

Committee Hearings:	Senate Finance and Claims House Appropriations
Second Reading Votes:	Senate 45-0; House 83-11
Third Reading Votes:	Senate 49-1; House 84-15

**HJR 14 \* Connelly**

*Joint Resolution Requesting Congress to Hold Hearings on Forest Management*

A Joint Resolution of the Senate and the House of Representatives of the state of Montana requesting that the United States Congress conduct hearings in Montana to determine whether standard forest practices are affecting other multiple uses of national forest lands and whether national forests are being managed on a sustainable basis.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 48-0; House 94-0
Third Reading Votes:	Senate 45-3; House 99-1

**HJR 30 \* Cocchiarella**

*Support Congressional Ban on Export of Timber Cut On State-Owned Land*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana supporting Congress's passage of the Forest Resources Conservation and Shortage Relief Act of 1990, which prohibits the export from the United States of unprocessed timber originating from lands owned by the states.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 48-0; House - placed on consent calendar, approved by voice vote
Third Reading Votes:	Senate 43-3; House 93-6

### HJR 36 \* Toole

#### *Direct Development of Implementation of Wildland Fire Protection Standards*

A Joint Resolution of the Senate and the House of Representatives of the state of Montana directing the Department of State Lands and the state fire marshal to work cooperatively to develop and implement standards and guidelines for fire agencies, land-use planners, architects, developers, and local governments for fire-safe development in areas that may be threatened by wildfire.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 49-0; House - placed on consent calendar, approved by voice vote
Third Reading Votes:	Senate 47-1; House 93-6
Senate amended, House concurred 98-1.	

### HJR 38 \* Squires

#### *Joint Resolution Urging Assistance for Dislocated Wood Products Workers*

A Joint Resolution of the Senate and the House of Representatives of the state of Montana urging the Montana AFL-CIO, the Montana Job Training Partnership, Incorporated, the Department of Labor and Industry, and the Department of Commerce to seek additional federal funds to assist in the employment and training needs of dislocated workers in the wood products industry.

Committee Hearings:	Senate Labor and Employee Relations House Labor and Employee Relations
Second Reading Votes:	Senate 50-0; House - placed on consent calendar, approved by voice vote
Third Reading Votes:	Senate 50-0; House 97-1



## Failed

### SB 193 Halligan

#### *Establishing a Forestry Incentives Program*

An act establishing a Forestry Incentives Program for nonindustrial private forest landowners; defining eligible forestry practices and eligible forest landowners; providing for agreements between the Department of State Lands and eligible forest landowners for cost-sharing payments from the department; providing for the termination of cost-sharing agreements; providing for the recovery of cost-sharing payments; providing for a procedure to appeal Department of State Land determinations; establishing a Forestry Incentives Program Fund; and establishing a Forestry Incentives Advisory Committee.

Committee Hearings: Senate Natural Resources

Tabled in Senate Committee.

### SJR 6 Swift

#### *Continuing Montana's Membership in Western States Legislative Forestry Task Force*

A Joint Resolution of the Senate and the House of Representatives of the state of Montana to appoint delegates to the Western States Legislative Forestry Task Force.

Committee Hearings: Senate Natural Resources  
House Appropriations

Second Reading Votes: Senate 47-1

Third Reading Votes: Senate 46-3

Tabled in House Committee.

### HB 169 Thoft

#### *Create Timber Scaling Check Program within the Department of Commerce*

An act creating a Timber Scaling Check Program within the Department of Commerce; creating and establishing duties for a Timber Scaling Review Board; establishing fees to fund the Timber



Scaling Check Program; creating a timber scaling special revenue account; and providing an effective date and a termination date.

Amending sections 76-13-408 and 76-13-414, MCA.

Committee Hearings:	Senate Business and Industry House Business and Economic Development
Second Reading Votes:	Senate 23-26; House 87-11
Third Reading Votes:	House 85-13

#### **HB 220 Raney**

*Tax on Logs to Which No Value-added is Performed*

An act imposing a tax on merchantable logs to which no value-added processing is applied in Montana; providing that the proceeds of the tax be placed in a nonexpendable trust fund, with the interest and income from the trust to be used for grants for research and development of value-added processing for wood products and for reforestation or for rehabilitation of areas damaged by forest practices; and providing an applicability date.

Committee Hearings: House Taxation

Tabled in House committee.

#### **HB 351 Cohen**

*Include Wildlife as Factor in Better Management of Forest Lands*

An act to provide for increased protection and conservation of Montana's wildlife resources by adding wildlife as a factor to be considered in the better management of forest lands.

Amending sections 76-13-101, 76-13-102, 76-13-104, 76-13-111, 76-13-131, 76-13-132, and 76-13-134, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	House 57-40
Third Reading Votes:	House 62-37

Senate Adverse Committee report adopted 32-15.

**HB 476 Cohen**

*Timber Severance Tax*

An act establishing a severance tax on timber cut in Montana; establishing a forestry extension service special revenue account for the Montana University System; and providing an immediate effective date and an applicability date.

Committee Hearings: House Natural Resources

Tabled in House Committee.

**HB 971 Cohen**

*Montana Forest Resources Management Act*

An act establishing the Montana Forest Resources Management Act; requiring operators to notify the Department of State Lands prior to conducting forest practices; providing for on-site consultation on forest practices; requiring the Board of Land Commissioners to adopt rules establishing enforceable best management practices for forestry; providing penalties for noncompliance; requiring state forests to be managed for sustained yield; establishing a forest practices account and a forest extension service account; creating a timber severance tax for the purpose of enforcing best management practices for forestry; and providing an immediate effective date and applicability dates.

Amending section 76-13-104, MCA; repealing sections 76-13-131, 76-13-132, 76-13-133, 76-13-134 and 76-13-135, MCA.

Committee Hearings: House Natural Resources

Tabled in House Committee.

**HB 984 Measure**

*Montana Forest Practices Act*

An act establishing the Montana Forest Practices Act; requiring the Board of Land Commissioners to adopt rules establishing best management practices for the conduct of forest practices; establishing a Forest Practices Advisory Committee; requiring that state forests be managed for sustained yield; providing penalties for noncompliance; establishing a forest practices account; creating a timber severance tax for the purpose of

enforcing best management practices for forestry; and providing an immediate effective date and applicability dates.

Committee Hearings: House Natural Resources

Tabled in House Committee.

#### HB 991 Dolezal

##### *Montana Forests for the Future Act*

An act establishing the Montana Forests for the Future Act; providing the Board of Land Commissioners with rulemaking authority; providing penalties for noncompliance; establishing a forest practices enforcement account; and creating a timber severance tax.

Committee Hearings: House Natural Resources

Tabled in House Committee.

#### HJR 43 Connelly

##### *Request Interim Study of Sustained Yield Forestry*

A Joint Resolution of the Senate and the House of Representatives of the state of Montana requesting the Department of State Lands to conduct a study of sustained yield forest management; and requiring the Department of State Lands to report its findings and recommendations to the 53rd Legislature.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: House 89-8

Third Reading votes: House 93-6

Tabled in Senate Committee.

# Land Use

## Eminent Domain

Passed \*

### SB 261 \* Lynch

*Revise Law Relating to Consolidated Government and Municipal Water Supply Systems*

An act to generally revise the law relating to consolidated government and municipal water supply systems; providing that a consolidated local government may supply sanitary sewer or storm sewer services or water to a district; and providing that a consolidated local government or a city or town council may purchase a private water supply system or take the system by eminent domain.

Committee Hearings:	Senate Local Government House Local Government
Second Reading Votes:	Senate 48-0; House 92-1
Third Reading Votes:	Senate 49-0; House 92-4

## Failed

### HB 821 Toole

#### *Partially Remove Mines, Mills, and Smelters from the Eminent Domain Laws*

An act to partially remove mines, mills, and smelters for the reduction of ores from the eminent domain laws and the definition of public uses; and providing an immediate effective date.

Amending sections 70-30-102 and 70-30-104, MCA; repealing sections 82-2-201, 82-2-202, 82-2-203, 82-2-204, 82-2-205, 82-2-206, 82-2-207, 82-2-208, 82-2-209, 82-2-210, 82-2-211, 82-2-212, 82-2-221, 82-2-222, 82-2-223, and 82-2-224, MCA.

Committee Hearings:	House Judiciary
Second Reading Votes:	House 38-61

## Local Government Regulation

Passed \*

**SB 154 \* Nathe**

### *Clarify Legislative Immunity*

An act clarifying that statutory legislative immunity extends only to legislative bodies of governmental entities and only to legislative actions taken by those bodies; clarifying that governmental entities are not immune under the legislative immunity statute for nonlegislative actions; clarifying that the acquisition of insurance does not waive immunity; and providing an immediate effective date and a retroactive applicability date.

Amending section 2-9-111, MCA.

Committee Hearings:	Senate Judiciary House Judiciary
Second Reading Votes:	Senate 48-0; House 88-8
Third Reading Votes:	Senate 50-0; House 91-5

House amended, Senate not concurred 49-0.

Conference Committee vote; Senate 48-0, House 95-3.

**SB 136 \* Beck**

### *Provide for Establishment of Local Water Quality Districts*

An act providing for the establishment of local water quality districts; authorizing establishment of fees; authorizing governing bodies of counties, cities and towns that participate in a local water quality district to adopt local laws related to water quality protection; authorizing the Board of Health and Environmental Sciences to approve local water quality programs; and authorizing the Department of Health and Environmental Sciences to monitor implementation of local water quality programs.

Amending Section 75-5-106, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 49-0; House 73-17  
Third Reading Votes: Senate 40-9; House 84-14

House amended, Senate concurred 47-1.

**SB 189 \* Beck**

*General Revision of Local Government Solid Waste Management Laws*

An act to generally revise the laws relating to solid waste management by local governments; authorizing multicounty solid waste districts; and providing an effective date.

Amending sections 7-5-2306, 7-5-4304, 7-5-4321, 7-7-2501, 7-7-4402, 7-13-202, 7-13-204, 7-13-209, 7-13-210, 7-13-212, 7-13-215, 7-13-232, 7-13-233, and 7-13-235, MCA; repealing sections 7-13-241, 7-13-242, 7-13-243, 7-13-2401, 7-13-2402, 7-13-2403, 7-13-2404, 7-13-2405, and 7-13-2406, MCA.

Committee Hearings: Senate Local Government  
House Natural Resources  
Second Reading Votes: Senate 46-2; House 86-7  
Third Reading Votes: Senate 50-0; House 82-12

House amended, Senate not concurred 45-0.  
Free Conference Committee vote: Senate 45-4; House 88-11.

**SB 224 \* Vaughn**

*Amend Laws for Establishment and Funding of Local Air Pollution Control Programs*

An act amending the laws relating to establishing and funding local Air Pollution Control Programs; clarifying existing authority relating to the collection of permit fees by local Air Pollution Control Programs; clarifying the relationship between the Department of Health and Environmental Sciences and local Air Pollution Control Programs; restricting the types of air pollution sources that may be regulated by a local Air Pollution Control Program; and providing an immediate effective date.

Amending sections 75-2-301 and 75-2-302, MCA.



Committee Hearings:	Senate Local Government House Local Government
Second Reading Votes:	Senate 48-0; House - placed on consent calendar; adopted by voice vote.
Third Reading Votes:	Senate 45-5; House 91-9

**SB 261 \* Lynch**

*Revise Law Relating to Consolidated Government and Municipal  
Water Supply Systems*

An act to generally revise the law relating to consolidated government and municipal water supply systems; providing that a consolidated local government may supply sanitary sewer or storm sewer services or water to a district; and providing that a consolidated local government or a city or town council may purchase a private water supply system or take the system by eminent domain.

Committee Hearings:	Senate Local Government House Local Government
Second Reading Votes:	Senate 48-0; House 92-1
Third Reading Votes:	Senate 49-0; House 92-4

**SB 357 \* Beck**

*Requires DHES to Consult with Local Governments about Solid Waste  
Facilities*

An act requiring the Department of Health and Environmental Sciences to consult with local governments when licensing solid waste management facilities.

Amending section 75-10-102, MCA.

Committee Hearings:	Senate Natural Resources House Local Government
Second Reading Votes:	Senate 49-0; House - placed on consent calendar, approved by voice vote
Third Reading Votes:	Senate 47-2; House 95-1

**SB 437 \* Brown, Bob**

***Allow Local Government to Set Fees for Lake-Related Construction Permits***

An act allowing a local government to establish reasonable fees for lake-related construction permits; and clarifying that a permit is required for construction on a lake-shore.

Amending section 75-7-210, MCA.

Committee Hearings:	Senate Local Government
	House Local Government
Second Reading Votes:	Senate 48-0; House 87-2
Third Reading Votes:	Senate 46-1; House 96-1

House amended, Senate concurred 48-1.

**HB 161 \* Gilbert**

***Authorize DHES to Issue Water Quality Cleanup Orders to Local Government***

An act to authorize the Department of Health and Environmental Sciences to issue clean-up orders to appropriate units of state or local government in instances in which the state or local government has approved an activity that the department has reason to believe is likely to cause pollution of state waters.

Amending section 75-5-601, MCA.

Committee Hearings:	Senate Natural Resources
	House Natural Resources
Second Reading Votes:	Senate 30-15; House 78-11
Third Reading Votes:	Senate 37-12; House 86-14

Senate amended, House concurred 86-13.

**HB 162 \* Gilbert**

***Require Local Boards of Health to Regulate Septic and Sewer Systems***

An act requiring the Board of Health and Environmental Sciences to establish minimum standards for the control and disposal of sewage from private and public buildings; requiring local Boards of Health to adopt regulations that are no less stringent than state standards for the control and disposal of sewage from private and public buildings; providing for appeal of a local

variance decision to the Department of Health and Environmental Sciences; and providing an applicability date.

Amending sections 50-2-116 and 75-5-503, MCA.

Committee Hearings:	Senate Public Health
	House Natural Resources
Second Reading Votes:	Senate 26-21; House 83-7
Third Reading Votes:	Senate 33-16; House 85-15

Senate amended, House concurred 87-11.

#### HB 691 \* Toole

##### *Removing Governmental Immunity for Environmental Damage*

An act removing governmental entity immunity for actions resulting in surface water or ground water damage; and providing an immediate effective date and a retroactive applicability provision.

Amending section 2-9-111, MCA.

Committee Hearings:	Senate Judiciary
	House Judiciary
Second Reading Votes:	Senate 31-16; House 58-41
Third Reading Votes:	Senate 37-11; House 60-39

Senate amended, House not concurred 63-26.

Conference Committee vote: Senate 44-3; House 74-24.

#### HJR 7 \* Larson

##### *HJR Urging Local Governments to Develop Recycling Programs*

A Joint Resolution of the Senate and the House of Representatives of the state of Montana urging local governments and school districts to develop source reduction and recycling programs and guidelines for the procurement of materials and supplies made from recycled material.

Committee Hearings:	Senate Local Government
	House Local Government
Second Reading Votes:	Senate 49-0; House 99-0
Third Reading votes:	Senate 48-0; House 98-0

**HJR 33 \* Rice, Sheila**

*Joint Resolution Encouraging Department of Commerce to Promote  
Community Planning*

A Joint Resolution of the Senate and the House of Representatives  
and the state of Montana encouraging the Department of Commerce  
to develop a long-range planning process for Montana communities.

Committee Hearings: Senate Business and Industry  
House Business and Economic  
Development

Second Reading Votes: Senate - placed on consent  
calendar, approved by voice vote;  
House - placed on consent calendar,  
approved by voice vote

Third Reading Votes: Senate 48-0; House 93-6

**Failed**

**SB 55 Crippen**

*Big Sky Dividend Program*

An act establishing the Big Sky Dividend Infrastructure Grant  
Program; providing for grants to local governments to assist in  
funding capital projects; creating an Infrastructure Advisory  
Council; and providing an immediate effective date and a  
termination date.

Committee Hearings: Senate Taxation

Tabled in Senate Committee.

**SB 99 Harp**

*Preference for Privately Operated Solid Waste Management Systems*

An act providing authority to the Department of Health and  
Environmental Sciences to develop procedures for public input to  
local governments on whether solid waste management systems  
should be privately or publicly operated.

Amending sections 75-10-102, 75-10-104, and 75-10-106, MCA.

Committee Hearings:	Senate Local Government
	House Natural Resources
Second Reading Votes:	Senate 49-0; House 47-51
Third Reading Votes:	Senate 47-2

**SB 195 Bengtson**

*Define Water User Entity*

An act defining water user entity; allowing inclusion of water user entity facilities in local government master plans; requiring subdivision plat review by affected water user entities; requiring consideration of the effect of subdivision development on water user entities; removing certain exemptions and certain criteria for review; and providing an immediate effective date.

Amending sections 76-1-103, 76-1-601, 76-3-103, 76-3-104, 76-3-207, 76-3-601, 76-3-608, 76-3-609, 76-4-102 and 76-4-103, MCA.

Committee Hearings:	Senate Local Government
	House Natural Resources
	Senate Rules
Second Reading Votes:	Senate 47-1; House 45-54
Third Reading Votes:	Senate 50-0; House reconsidered previous action - 50-49

Tabled in Rules Committee.

**SB 328 Pipinich**

*Allow Collection of Sewer and Water Assessments with General Taxes*

An act providing that the Board of County Commissioners may place a special assessment on real property owners for operating funds for water and sewer districts; providing that the assessment is a lien on the property; and providing for collection of the assessment with property taxes.

Committee Hearings:	Senate Local Government
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Tabled in Senate Committee.

**HB 147 Cohen**

*Allow Local Option Tax on Certain Transfers of Real Property*

An act allowing a local option tax on certain transfers of real property; providing for distribution of the proceeds; and providing penalties.

Amending sections 15-7-301, 15-7-302, 15-7-303 and 15-7-305, MCA.

Committee Hearings:	House Taxation
Second Reading Votes:	House 40-59

**HB 399 Connelly**

*Subdivision Review Restrictions on Local Government*

An act clarifying the purpose of the chapter; clarifying the definition of "occasional sale"; establishing, defining, and protecting private real property rights; requiring a court order before a government official may refuse to file a plat; placing the burden of proof on the local government as to whether a landowner qualifies for an exemption; prohibiting parkland dedication for subdivisions creating five or fewer parcels; and providing an immediate effective date.

Amending sections 76-3-102, 76-3-103, 76-3-207, 76-3-301, 76-3-501, and 76-3-606, MCA.

Committee Hearings:	House Natural Resources
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Tabled in House Committee.

**HB 671 Gilbert**

*Generally Revise the Subdivision and Platting Act*

An act to generally revise the Montana Subdivision and Platting Act; redefining subdivision; removing certain exemptions; providing an expedited review process for minor subdivisions and special subdivisions; providing public hearing guidelines and an optional informational hearing procedure; establishing primary criteria for review of all subdivisions; providing certain additional review requirements for major subdivisions; and providing an immediate effective date and applicability dates.



Amending sections 7-16-2324, 76-3-102, 76-3-103, 76-3-104, 76-3-105, 76-3-301, 76-3-302, 76-3-304, 76-3-305, 76-3-401, 76-3-402, 76-3-404, 76-3-405, 76-3-501, 76-3-507, 76-3-601, 76-3-603, 76-3-608, 76-3-610, 76-3-611, 76-3-613, 76-3-614, 76-4-103, 76-4-125, and 76-6-203, MCA; repealing sections 76-3-201, 76-3-202, 76-3-203, 76-3-204, 76-3-205, 76-3-206, 76-3-207, 76-3-208, 76-3-209, 76-3-210, 76-3-504, 76-3-504, 76-3-604, 76-3-605, 76-3-606, 76-3-607, and 76-3-609, MCA.

Committee Hearings:	Senate Natural Resources
	House Natural Resources
Second Reading Votes:	Senate 23-26; House 68-32
Third Reading Votes:	House 62-37

#### **HB 744 O'Keefe**

##### *Subdivision Modifications*

An act to generally revise the Montana Subdivision and Platting Act; redefining the term subdivision; removing certain exemptions; providing an expedited review process for certain types of subdivisions; providing public hearing guidelines; modifying the park dedication requirements; and providing an immediate effective date and applicability dates.

Amending sections 7-16-2324, 76-3-103, 76-3-104, 76-3-105, 76-3-201, 76-3-207, 76-3-210, 76-3-301, 76-3-305, 76-3-401, 76-3-402, 76-3-403, 76-3-404, 76-3-405, 76-3-505, 76-3-507, 76-3-604, 76-3-605, 76-3-606, 76-3-608, 76-3-609, 76-3-610, 76-3-611, 76-4-103, and 76-4-125, MCA; repealing sections 76-3-202, 76-3-203, 76-3-204, 76-3-205, 76-3-206, and 76-3-607, MCA.

Committee Hearings:	House Natural Resources
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Tabled in House Committee.

#### **HB 795 Harper**

##### *Create the Montana Community Infrastructure Act*

An act creating the Montana Community Infrastructure Act; creating an infrastructure trust fund within the permanent coal tax trust fund; creating a special revenue account for interest earned on the coal severance tax infrastructure fund; making interest in the special revenue account available for local infrastructure projects; authorizing the issuance of coal severance tax bonds for the purpose of providing assistance for local government infrastructure projects; providing for the terms



and conditions of financial assistance; providing a method of recommending priorities for projects; appropriating money in the special revenue account to the Department of Commerce for use by local governments for engineering studies for local government infrastructure projects; and providing an effective date.

Amending sections 17-5-701, 17-5-702, 17-5-703, 17-5-704, 17-5-706 and 17-5-719, MCA.

Committee Hearings:	Senate Taxation
	House Appropriations
Second Reading Votes:	Senate 28-21; House 58-42
Third Reading Votes:	Senate 29-21; House 58-41

Senate amended, House not concurred 99-0.

Free Conference Committee vote: Senate 30-20; House 60-36.

Vetoed by Governor.

#### HB 815 Lee

#### *Establish Master Plans and Development Regulations for Local Governments*

An act requiring certain units of local government to prepare, adopt, implement, and enforce master plans and development regulations; requiring the Department of Commerce to review and approve required master plans and development regulations before local government adoption; establishing guidelines and specific authority for department rulemaking to implement provisions of this act; creating and establishing membership and duties for a Planning Advisory Council; and providing an immediate effective date and an applicability date.

Amending sections 75-7-207, 75-7-211, 76-1-103, 76-1-104, 76-1-601, 76-1-602, 76-1-603, 76-1-604, 76-1-605, and 76-1-606, MCA.

Committee Hearings:	House Natural Resources
	House Appropriations
Second Reading Vote:	House 64-33

Tabled in House Appropriations Committee.

**HB 844 Wanzenried**

*Subdivision Amendments*

An act changing the definition of "subdivision"; removing the occasional sale exemption; limiting the family sale exemption; and providing an immediate effective date.

Amending sections 76-3-103, 76-3-104, 76-3-207, 76-4-102, and 76-4-103, MCA.

Committee Hearings: House Natural Resources

Tabled in House Committee.

**HB 905 Bradley**

*Building a New Century*

An act building a new century; authorizing coal severance tax proceeds that would otherwise be deposited in the coal severance tax permanent trust fund to be deposited in the building a new century fund within the trust fund; providing for the funding of improvement projects for state government and university system facilities; providing for improvement projects for state parks, historic sites, and recreation areas; and providing an effective date.

Amending section 17-5-703, MCA.

Committee Hearings: House Appropriations

Second Reading Votes: House 35-62

## Parks and Recreation

Passed \*

### SB 415 \* Vaughn

*State Parks Recreational Vehicle Fee for RV Facilities and Services at State Parks*

An act establishing a state parks recreational vehicle fee on all recreational vehicles, campers, motor homes, and travel trailers; setting the fee; and providing that fee proceeds be earmarked for state parks to provide recreational vehicle services and facilities.

Committee Hearings:	Senate Fish and Game
	House Taxation
Second Reading Votes:	Senate 48-0; House 60-40
Third Reading Votes:	Senate 45-4; House 57-41

House amended, Senate concurred 48-1.

### SJR 21 \* Thayer

*Urge Congress to Fund Completion of Lewis and Clark Interpretive Center*

A Joint Resolution of the Senate and House of Representatives of the state of Montana urging the United States Congress to fully fund completion of the Lewis and Clark National Trail Interpretive Center; and urging Congress to consider a historically appropriate permanent name for the National Trail Interpretive Center.

Committee Hearings:	Senate Education and Cultural Resources
	House Education and Cultural Resources
Second Reading Votes:	Senate 48-0; House 85-6
Third Reading Votes:	Senate 47-0; House 86-11

House amended, Senate not concurred 49-0.

Free Conference Committee vote: Senate 48-1; House 60-39.

**HB 119 \* Ream**

*Allow Creation of SID to Acquire Park Land*

An act allowing the creation of a special improvement district to acquire park land.

Amending section 7-12-4102, MCA.

Committee Hearings:	Senate Local Government House Local Government
Second Reading Votes:	Senate 28-21; House 87-9
Third Reading Votes:	Senate 30-19; House 84-14

**HB 233 \* Bardanouve**

*Provide First Right to Purchase Railroad Right of Way to Specific Persons*

An act providing a first right of purchase of or the right to match a competing lease offer for leased land to leaseholders of the land within 300 feet of a railroad right-of-way; requiring compensation to the lessee if the lease is terminated; and providing an immediate effective date.

Amending section 69-14-533, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 49-0; House 98-1
Third Reading Votes:	Senate 49-1; House 99-0

Senate amended, House concurred 98-0.

Governor amended: Senate concurred 48-0; House concurred 90-0.

**HB 495 \* Harper**

*Policy to Address State Park and Fishing Access Site Improvements*

An act establishing a policy for addressing improvements in state parks and fishing access sites; and requiring the Fish and Game Commission to adopt rules to implement the policy.

Committee Hearings:	Senate Fish and Game House Fish and Game
Second Reading Votes:	Senate 47-0; House 99-0
Third Reading Votes:	Senate 48-0; House 99-0

**HB 1008 \* Bardanouve**

*Allocate Coal Tax Separately for Parks and Cultural Projects*

An act allocating to separate trust funds the coal severance tax money that would be deposited in a nonexpendable trust fund for parks management, protection of works of art in the state capitol, and other cultural and aesthetic projects; allowing the expenditure of coal tax revenue for parks for 2 years; and providing an effective date and a termination date.

Amending section 15-35-108, MCA.

Committee Hearings:	Senate Finance and Claims House Appropriations
Second Reading Votes:	Senate 48-0; House 93-4
Third Reading Votes:	Senate 45-3; House 96-4

Senate amended, House concurred 94-5.

**Failed**

**HB 550 Grady**

*Fund State Parks through a Tax on Rental Car Fees*

An act to fund state parks through enactment of a tax on rental car fees; to establish a tax rate; to provide for collection and enforcement by the Department of Revenue; to provide that tax proceeds, after deduction for administrative and collection costs, be used by the Department of Fish, Wildlife, and Parks to address state parks needs; to provide a statutory appropriation of administrative fees; and providing a delayed effective date and an applicability date.

Amending section 17-7-502, MCA.

Committee Hearings:	Senate Taxation House Taxation
Second Reading Votes:	House 53-47
Third Reading Votes:	House 54-46

Adverse Senate Committee report adopted 42-3.

**HB 623 Cohen**

*Provide Free Access to State Parks; Replace Fee Revenue with Coal Tax Interest*

An act providing for free access to state parks by eliminating park entrance and camping fees; replacing park entrance and camping fee revenue with a portion of the coal severance tax interest income; and providing an effective date and an applicability date.

Amending sections 17-5-704 and 23-1-105, MCA.

Committee Hearings: House Appropriations

Tabled in House Committee.

**HB 736 Measure**

*Voluntary Bicycle Fee and Grants from Gasoline Tax*

An act establishing a local voluntary bicycle fee; appropriating a portion of the gasoline license tax proceeds for matching grants for recreational pathways; and providing an effective date.

Committee Hearings: House Highways and Transportation

Tabled in House Committee.

**HB 802 Menahan**

*Defining and Taxing "Recreational" Property*

An act defining "recreational land" for purposes of taxation; setting the tax rate applicable to recreational land at the rate generally applicable to property in class four; and providing an applicability date.

Amending sections 15-1-101, 15-6-134, 15-6-144, and 15-7-202, MCA.

Committee Hearings: House Taxation

Tabled in House Committee.

## State and Public Lands

Passed \*

### SB 252 \* Svrcek

*Revise Allocation of Funds for Development and Maintenance of Wildlife Habitat*

An act revising the allocation of funds that may be used for development and maintenance of wildlife habitat; requiring a comprehensive study of wildlife habitat acquisition, improvement, operations, maintenance, and development, and presentation of the study to the 1993 Legislature; extending the Wildlife Habitat Acquisition Program until March 1, 1996; and providing an immediate effective date and a contingent retroactive applicability date.

Amending section 87-1-242, MCA; and Section 12, Chapter 598, Laws of 1987.

Committee Hearings:	Senate Fish and Game House Fish and Game
Second Reading Votes:	Senate 44-5; House 89-8
Third Reading Votes:	Senate 48-2; House 88-12

### SB 422 \* Vaughn

*Allow Sale of State Lands to Local Governments*

An act to provide that state lands may be sold to local governmental units.

Amending section 77-2-306, MCA.

Committee Hearings:	Senate State Administration House State Administration
Second Reading Votes:	Senate 49-0; House 93-0
Third Reading Votes:	Senate 49-0; House 98-0



**HB 300 \* O'Keefe**

*Eliminate Sales of State Lands on an Installment Basis*

An act eliminating sales of state land on an installment basis; authorizing the Board of Investments to purchase contracts for deed and mortgages on state cabin sites; and requiring cash sales.

Amending section 77-2-329.

Committee Hearings:	Senate Finance and Claims
	House Appropriations
Second Reading Votes:	Senate 48-1; House 89-8
Third Reading Votes:	Senate 42-3; House 91-7

Senate amended, House concurred 95-3.

**HB 778 \* Brown, Dave**

*Recreational Use of State Lands*

An act revising the laws relating to use of state lands; providing that allowable use of state lands includes general recreational use by the public; requiring the Board of Land Commissioners to adopt rules to authorize and govern the recreational use and closure of state lands; requiring purchase and possession of a recreational use license by persons 12 years of age or older for the general recreational use of state lands; providing for the enforcement of the license requirement by the wardens of the Department of Fish, Wildlife, and Parks; providing penalties; providing for the statutory appropriation of the license fees and penalties; providing compensation for damage to a lessee's improvements, growing crops and livestock; and providing a delayed effective date.

Amending sections 17-7-502, 19-8-504, 77-1-101, 77-1-202, 77-1-203, 77-1-204, 77-1-402, 87-1-102, 87-1-502, 87-1-504, and 87-1-601, MCA.

Committee Hearings:	Senate Judiciary
	House Natural Resources
Second Reading Votes:	Senate 47-1; House 70-29
Third Reading Votes:	Senate 49-0; House 65-32

**HB 902 \* Grady**

*Authorize the Sale or Exchange of State Land to Public Entity*

An act authorizing the sale of state land to or the exchange of state land with other public entities.

Committee Hearings:	Senate State Administration House State Administration
Second Reading Votes:	Senate 48-0; House - placed on consent calendar, approved by voice vote
Third Reading Votes:	Senate 49-0; House 99-0

**Failed**

**SB 44 Brown, Bob**

*Authorize Department of Highways to Maintain Roads within State Parks*

An act to authorize the Department of Highways to construct, improve, and maintain roads within state parks; and providing an effective date.

Amending section 23-1-104, MCA.

Committee Hearings:	Senate Highways and Transportation House Highways and Transportation
Second Reading Votes:	Senate 49-1
Third Reading Votes:	Senate 44-5

Tabled in House Committee.

**SB 426 Grosfield**

*Wilderness Water Rights*

An act clarifying the water reservation process for federally designated wilderness areas.

Amending section 85-2-316, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources  
Second Reading Votes: Senate 49-0  
Third Reading Votes: Senate 47-2

Tabled in House Committee.

**HB 386 Schye**

*Increase Gas License Tax to Finance Certain State Roads and Areas*

An act increasing the gasoline license tax by 0.25 cent a gallon to finance roads leading to and within state parks, state recreational areas, areas having state monuments, and state historical sites; and providing an effective date and applicability date.

Amending sections 15-70-101 and 15-70-204, MCA.

Committee Hearings: Senate Taxation  
House Taxation  
Second Reading Votes: Senate 28-20; House 63-26  
Third Reading Votes: Senate 29-20; House 58-39

Vetoed by Governor.

**HB 401 Brown, Dave**

*Authorize Board of Land Commissioners to Implement State Lands Recreation Access Program*

An act authorizing the Board of Land Commissioners to implement a program allowing recreational access to state lands; and authorizing the Fish and Game Commission to increase conservation license fees by up to \$2 to fund public access to state lands for recreational purposes.

Amending sections 17-3-1003, 18-2-107, 20-9-341, 20-25-422, and 87-2-202, MCA.

Committee Hearings: House Natural Resources

Died in House Committee.

HB 526    **Schye**

*Motor Vehicle Registration Fee for State Parks*

An act imposing a special state parks improvement fee on registrations of motor vehicles; and providing an effective date.

Committee Hearings:                      House Taxation

Tabled in House Committee.

HJR 2    **Cohen**

*Direct State Forester to Manage State Forest Lands*

A Joint Resolution of the Senate and the House of Representatives of the state of Montana directing the state forester and the director of the Department of Fish, Wildlife, and Parks to work cooperatively to develop and implement standards and guidelines for the management of state forest lands in the drainages of the Swan River and the north fork of the Flathead River to provide for timber management consistent with the long-term conservation of white-tailed deer habitat.

Committee Hearings:                      House Fish and Game

Tabled in House Committee.

HJR 10    **Peterson**

*Urge President and Congress to Designate Ten Lakes National Recreation Area*

A Joint Resolution of the Senate and the House of Representatives of the state of Montana urging the president and the U.S. Congress to designate the Ten Lakes Scenic Area and certain lands contiguous to the scenic area as the Ten Lakes National Recreation Area.

Committee Hearings:                      House Natural Resources

Tabled in House Committee.

**HJR 19 Wallin**

*Urge Department of Fish, Wildlife, and Parks Director to Prepare Study of State Park System*

A Joint Resolution of the Senate and the House of Representatives of the state of Montana urging the director of the Department of Fish, Wildlife, and Parks to prepare a study of all parks in the state park system to determine their appropriateness, importance, and priority in order to recommend which parks should have services reduced, which parks should be closed or disposed of to reduce costs and necessary funding, and which parks should be provided with state funding.

Committee Hearings: Senate Fish and Game

House Fish and Game

Second Reading Votes: House 96-3

Third Reading Votes: House 92-7

Tabled in Senate Committee.

## Land Use - Other

Passed \*

### HB 924 \* Measure

*Require Department of Commerce to Assist Person Representing Certain Interests*

An act requiring the Department of Commerce to assist persons representing recreational, transportation, and utility interests and other interested persons, including adjacent landowners, in acquiring ownership or easement of abandoned railbeds.

Amending section 60-11-111, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 29-15; House 79-19
Third Reading Votes:	Senate 41-9; House 77-22

Senate amended, House concurred 89-10.

### HB 952 \* Raney

*Require Sand and Gravel Operations to Comply with Local Zoning*

An act requiring sand and gravel opencut mines and concrete and asphalt processing facilities to comply with applicable local zoning regulations; and providing an immediate effective date and an applicability provision.

Amending sections 76-1-113, 76-2-209, 82-4-431, and 82-4-432, MCA.

Committee Hearings:	Senate Local Government House Natural Resources
Second Reading Votes:	Senate 26-22; House 73-26
Third Reading Votes:	Senate 30-20; House 71-28

**HJR 17 \* Larson**

*Joint Resolution Lakeshore Development EQC Study*

A Joint Resolution of the Senate and the House of Representatives of the state of Montana requesting the Environmental Quality Council to conduct an interim study on the need for and the nature of uniform state standards for the protection and appropriate development of lakeshores.

Committee Hearings:	Senate Natural Resources
	House Natural Resources
Second Reading Votes:	Senate 26-20; House 90-4
Third Reading Votes:	Senate 32-16; House 96-3

**Failed**

**SB 64 Gage**

*Restrict Livestock from Trespass in Residential and Tourism Related Areas*

An act applying livestock trespass laws to unincorporated residential areas and tourism-related areas; and providing methods for impoundment of trespassing livestock and return to the rightful owner.

Amending sections 81-4-401 and 81-4-403, MCA.

Committee Hearings:	Senate Agriculture
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Tabled in Senate Committee.

**HB 437 Spring**

*Allocate a Portion of RIT Funds to Conservation Districts*

An act allocating a portion of the Resource Indemnity Trust Fund receipts to the state special revenue fund for conservation districts to fund certain conservation district operations and projects; and providing a contingent effective date and an applicability date.

Amending section 15-38-202, MCA.

Committee Hearings:	House Taxation
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Tabled in House Committee.



# Mineral Development

## Exploration, Operation, Reclamation

Passed \*

### SB 225 \* Gage

*Revise Laws for Administration of Oil and Gas Board and Revise Civil Penalty*

An act to generally revise the laws relating to the administration of the oil and gas conservation laws by the Board of Oil and Gas Conservation; clarifying the authority of the board to conduct rehearings on rules or orders issued by the board; revising the civil penalty to at least \$75 and not more than \$10,000 a day for a violation of a rule or order of the board or of a provision of Title 82, Chapter 11, MCA; and providing an immediate effective date.

Amending sections 82-11-143 and 82-11-149, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate - placed on consent calendar, approved by voice vote: House 91-0
Third Reading Votes:	Senate 49-0; House 95-4

House amended, Senate concurred 47-0.

### SB 253 \* Bengtson

*Revise the Opencut Mining Act*

An act to generally revise the Opencut Mining Act; prohibiting mining of previously reclaimed land without an opencut contract; authorizing the Department of State Lands to spend money for reclamation of land and rehabilitation of water affected by opencut mining; authorizing acceptance of letters of credit as bond; and providing administrative procedures for and appeals of assessment of civil penalties.

Amending sections 82-4-424, 82-4-431, 82-4-433, and 82-4-441, MCA.

Committee Hearings:	Senate Natural Resources
	House Natural Resources
Second Reading Votes:	Senate 50-0; House 90-0
Third Reading Votes:	Senate 49-0; House 94-3

**SB 283 \* Doherty**

*Revise the Enforcement Provisions of the Metal Mine Reclamation Act*

An act revising the enforcement provisions of the Metal Mine Reclamation Law; expanding the scope of enforcement actions to include violations of a license or permit; clarifying that the commissioner of state lands may suspend the permit of an operation creating an eminent danger to the health or safety of persons outside the permit area; and providing an effective date.

Amending sections 82-4-303, 82-4-361, and 82-4-362, MCA.

Committee Hearings:	Senate Natural Resources
	House Natural Resources
Second Reading Votes:	Senate 49-0; House 87-2
Third Reading Votes:	Senate 48-1; House 98-0

**SJR 18 \*, Lynch**

*Supporting WASTEC Center in Butte*

A Joint Resolution of the Senate and the House of Representatives of the state of Montana urging the United States Congress to establish the National Mine Waste Testing and Evaluation Center as part of the Water, Air, Soils Testing and Evaluation Center (WASTEC) and to authorize adequate funding to operate the center in Butte.

Committee Hearings:	Senate Natural Resources
	House Natural Resources
Second Reading Votes:	Senate 49-0; House 89-1
Third Reading Votes:	Senate 49-0; House 97-0

**HB 266 \* Hanson, Marian**

*Amends the Definition of "Prospecting" In the Strip Mine Reclamation Act*

An act to redefine the term "prospecting" in the Montana Strip and Underground Mine Reclamation Act to conform with federal requirements.

Amending section 82-4-203, MCA.

Committee Hearings:	Senate Natural Resources
	House Natural Resources
Second Reading Votes:	Senate 49-0; House 99-0
Third Reading Votes:	Senate 48-0; House 99-0

**HB 448 \* Ream**

*Amend the Metal Mine Reclamation Laws*

An act amending the Metal Mine Reclamation Laws; implementing the recommendations of the Governor's Mine Permitting Improvement Advisory Council; and providing an effective date.

Amending sections 82-4-303, 82-4-305, 82-4-306, 82-4-335, 82-4-337, 82-4-338, 82-4-339, and 82-4-355, MCA.

Committee Hearings:	Senate Natural Resources
	House Natural Resources
Second Reading Votes:	Senate 49-0; House 97-0
Third Reading Votes:	Senate 49-0; House 97-0

**HB 641 \* Knox**

*Improve Notice to Affected Landowners under Hard Rock Act*

An act modifying requirements for an application for a permit under the metal mine reclamation statutes.

Amending section 82-4-335, MCA.

Committee Hearings:	Senate Natural Resources
	House Natural Resources
Second Reading Votes:	Senate 49-0; House 96-2
Third Reading Votes:	Senate 49-0; House 100-0

**HB 684 \* Driscoll**

*Encumber Local Impact Funds for Study of Infrastructure and Clean Coal Center*

An act providing an appropriation of \$500,000 for a Clean Fuels Information Center; providing an appropriation to the Department of Natural Resources and Conservation to make a loan to the MHD-Corette Project; providing for matching requirements; designating the purpose for which the loan must be used; providing for loan repayment; and providing an immediate effective date.

Committee Hearings:	Senate Finance and Claims House Appropriations
Second Reading Votes:	Senate 48-0; House 86-12
Third Reading Votes:	Senate 47-1; House 88-10

Senate amended, House concurred 80-16.

Governor amended: Senate concurred 47-1; House concurred 83-4.

**Failed**

**HB 670 Daily**

*Requiring Review of Hard Rock Mine Reclamation Bonds Every 5 Years*

An act requiring the Department of State Lands to review the amounts of metal mine performance bonds at least every 5 years; clarifying that the department may increase the amount of a bond if necessary; and providing an opportunity for a hearing on an adjusted bond level.

Amending section 82-4-338, MCA.

Committee Hearings:	House Natural Resources
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Tabled in House Committee.

**HB 821 Toole**

*Partially Remove Mines, Mills, and Smelters from the Eminent Domain Laws*

An act to partially remove mines, mills, and smelters from the reduction of ores from the eminent domain laws and the definition of public uses; and providing an immediate effective date.

Amending sections 70-30-102 and 70-30-104, MCA; repealing sections 82-2-201, 82-2-202, 82-2-203, 82-2-204, 82-2-205, 82-2-206, 82-2-207, 82-2-208, 82-2-209, 82-2-210, 82-2-211, 82-2-212, 82-2-221, 82-2-222, 82-2-223, and 82-2-224, MCA.

Committee Hearings:                   House Judiciary  
Second Reading Votes:               House 38-61

**HB 889 O'Keefe**

*Generally Revising Hard Rock Mining Act to Protect Water Resources*

An act to generally revise metal mine reclamation laws to provide for protection of water resources and for the restoration or replacement of water resources and restoration and continuance of beneficial uses of water that are diminished or degraded by permitted mining operations; establishing a water restoration and replacement financial assurance requirement; establishing administrative procedures; revising mandamus procedures; providing for revocation of permits; and providing an immediate effective date and applicability dates.

Amending sections 82-4-301, 82-4-302, 82-4-303, 82-4-311, 82-4-321, 82-4-322, 82-4-323, 82-4-335, 82-4-337, 82-4-339, 82-4-340, 82-4-341, 82-4-351, 82-4-352, 82-4-353, 82-4-354, 82-4-355, 82-4-360, and 82-4-362, MCA.

Committee Hearings:                   House Natural Resources  
Second Reading Votes:               House 34-64

**HB 956 O'Keefe**

*Generally Revise Coal Mine Reclamation Act to Protect Water Resources*

An act to generally revise strip-mining and underground-mining reclamation laws to provide for protection of water resources and for the restoration or replacement of water resources and

restoration and continuation of beneficial uses of water that are diminished or degraded by permitted mining operations; establishing a water restoration and replacement financial assurance requirement; establishing administrative procedures; revising mandamus procedures; and providing an immediate effective date and an applicability date.

Amending sections 82-4-202, 82-4-203, 82-4-205, 82-4-206, 82-4-221, 82-4-222, 82-4-223, 82-4-225, 82-4-227, 82-4-231, 82-4-237, 82-4-238, 82-4-239, 82-4-240, 82-4-241, 82-4-242, 82-4-251, 82-4-252, and 82-4-253, MCA.

Committee Hearings:	House Natural Resources
Second Reading Votes:	House 28-71

## Local Impact Mitigation

Passed \*

### SB 18 \* Gage

*Revise Oil and Gas Pooling Laws; Authorize Certain Pooling and Unit Agreements*

An act to generally revise oil and gas laws; authorizing certain pooling and unit agreements; and clarifying responsibility for mitigation of damages.

Amending sections 77-3-430, 82-11-101, 82-11-103, 82-11-161, and 82-11-164, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 49-0; House 80-4
Third Reading Votes:	Senate 46-0; House 94-4

House amended, Senate not concurred 47-0.

Conference Committee vote: Senate 48-0; House 94-3.

### HB 237 \* Ellison

*Hard Rock Impact Act Local Government Facilities Impact Bonds*

An act to expand the permissible projects financed by hard-rock mining impact bonds; to clarify the procedure for the issuance of bonds; to provide for interlocal agreements to facilitate bond issues; and providing an immediate effective date.

Amending sections 15-16-201, 82-4-335, 82-4-339, 90-6-302, 90-6-307, 90-6-310, and 90-6-311, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 49-0; House 100-0
Third Reading Votes:	Senate 49-0; House 98-0



**HB 749 \* Ellison**

*Hard Rock Impact Act Revisions*

An act clarifying the laws relating to the operations of the Hard-Rock Mining Impact Board; modifying provisions regarding the transfer of funds from the Hard-Rock Mining Impact Trust Account to counties; and providing an immediate effective date.

Amending sections 90-6-305 and 90-6-331, MCA.

Committee Hearings:	Senate Natural Resources
	House Natural Resources
Second Reading Votes:	Senate 49-0; House 96-1
Third Reading Votes:	Senate 49-0; House 96-0

**HB 832 \* Ellison**

*Allocate Coal Gross Proceeds Tax and Metal Mines License Taxes*

An act allocating 20 percent of an increase in gross proceeds tax to the local government unit in which the ore was located if certain criteria are met; allocating the applicable metal mines license tax to those counties identified as experiencing impacts if an impact plan has been prepared; and providing a retroactive applicability date.

Amending sections 15-37-117 and 90-6-404, MCA.

Committee Hearings:	Senate Taxation
	House Taxation
Second Reading Votes:	Senate 45-0; House 88-10
Third Reading Votes:	Senate 50-0; House 87-13

Senate amended, House concurred 94-2.

Governor amended; Senate concurred 48-0, House concurred 95-0.

**HB 1010 \* Brown, Dave**

*Establish Hard Rock Mining Impact Trust Reserve Account*

An act establishing a hard-rock mining impact trust reserve account; authorizing and limiting expenditures from the reserve account; appropriating money to the Hard-Rock Mining Impact Board from the reserve account; and providing an immediate effective date.

Amending sections 90-6-304 and 90-6-331, MCA.

Committee Hearings:	Senate Natural Resources House Appropriations
Second Reading Votes:	Senate 48-0; House 92-8
Third Reading Votes:	Senate 48-0; House 93-6

## **Failed**

### **HB 484 Raney**

#### *Prohibit Opencut Mining in Residential Areas*

An act prohibiting opencut mining and the operation of processing facilities within one-half mile of a residence; providing exceptions; and providing an immediate effective date.

Committee Hearings:	House Natural Resources
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Tabled in House Committee.

# Solid Waste and Hazardous Materials Management

## Hazardous Materials Management

Passed \*

### SB 288 \* Williams

*Create a Special Revenue Account for Asbestos Control Programs*

An act to create an asbestos control account in the state special revenue fund; to require money received from the collection of certain fees and penalties to be deposited in the account; to allocate money in the account to the Department of Health and Environmental Sciences to fund asbestos control programs; and providing an effective date.

Amending section 75-2-514, MCA; repealing section 75-2-512, MCA.

Committee Hearings:	Senate Finance and Claims House Taxation
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Second Reading Votes:	Senate 49-0; House 86-10
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Third Reading Votes:	Senate 49-0; House 87-11
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### SB 377 \* Jergeson

*Exempt Certain Underground Storage Tank Installers from Civil Penalties*

An act exempting underground storage tank installers who are employees from civil penalty provisions; and providing a retroactive applicability date.

Amending section 75-11-223, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
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Second Reading Votes:	Senate 49-0; House 91-1
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Third Reading Votes:	Senate 49-0; House 93-1
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**HB 228 \* Larson**

*Allow Emergency Responders to Recover Cost for Hazardous Materials Incident*

An act allowing an emergency responder to recover from the responsible party costs directly related to a hazardous material incident.

Committee Hearings:	Senate Judiciary House Judiciary
Second Reading Votes:	Senate 48-0; House 95-2
Third Reading Votes:	Senate 49-0; House 92-1

Senate amended, House concurred 98-1.

**HB 383 \* Raney**

*Hazardous Waste Fuels Regulation*

An act to allow the Department of Health and Environmental Sciences to regulate industrial furnaces and industrial boilers that burn hazardous wastes if there are no federal regulations or to regulate them more stringently than federal regulations; and providing an immediate effective date.

Amending section 75-10-405, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 30-11; House 70-24
Third Reading Votes:	Senate 38-10; House 75-22

**HB 485 \* Raney**

*Revising the Authority of the Petroleum Tank Release Compensation Board*

An act revising certain definitions in Title 75, Chapter 11, Part 3; clarifying the responsibilities of a petroleum storage tank owner or operator and an agent designated for reimbursement; authorizing the Department of Health and Environmental Sciences to waive notification of the existence of a petroleum storage tank as a prerequisite to tank release reimbursement; providing for tribal review of cleanup plans proposed within a tribal jurisdiction; revising the roles of the Petroleum Tank Release

Compensation Board and the Department of Health and Environmental Sciences in claims review; and providing an effective date.

Amending sections 75-11-302, 75-11-307, 75-11-308, and 75-11-309, MCA.

Committee Hearings:	Senate Natural Resources
	House Natural Resources
Second reading Votes:	Senate 49-0; House 79-11
Third Reading Votes:	Senate 49-0; House 87-10

#### **HB 539 \* Daily**

*Generally Revise State Comprehensive Cleanup and Responsibility Act*

An act to generally revise the state Comprehensive Environmental Cleanup and Responsibility Act; clarifying that the Department of Health and Environmental Sciences may take remedial action at a site that is subject to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980; providing for financial assurance to ensure compliance with agreements and to provide for long-term maintenance of remedial action sites; requiring a response to written comments or comments received at a public meeting on a proposed order or decree; and providing a retroactive applicability date.

Amending sections 75-10-704, 75-10-711, 75-10-713, 75-10-719, and 75-10-721, MCA.

Committee Hearings:	Senate Natural Resources
	House Natural Resources
Second Reading Votes:	Senate 48-2; House 97-1
Third Reading Votes:	Senate 45-5; House 97-2

Governor amended: Senate concurred 48-0; House concurred 96-0.

#### **HB 572 \* Rice, Jim**

*Generally Revise Commercial Operator DUI Statutes and Other Hazardous Materials Handling Offenses*

An act changing the commercial motor vehicle operator licensing statutes to comply with federal mandates; removing the authority of a person with a commercial vehicle operator's endorsement to haul hazardous materials; raising from 10 years to life the maximum administrative suspension for operating a commercial motor vehicle with a blood alcohol content of over 0.04%;

reducing from 0.04% to any measurable amount the minimum blood alcohol content level for testing under the implied consent statute and for temporarily removing a commercial motor vehicle operator from service; and providing that the suspensions called for in the commercial operators statute for second or subsequent offenses be imposed for any combination of offenses of driving under the influence, operating with a blood alcohol content of 0.04% or more, leaving the scene of an accident while operating a commercial motor vehicle, or using a commercial motor vehicle in the commission of a felony.

Amending sections 61-1-135, 61-5-208, 61-8-805, and 61-8-806, MCA.

Committee Hearings:	Senate Judiciary House Highways and Transportation
Second Reading Votes:	Senate 49-0; House 89-11
Third Reading Votes:	Senate 48-1; House 82-17

Senate amended, House concurred 97-2.

#### HB 973 \* Stang

*Create a Small Petroleum Tank Release Cleanup Fund and Special Fuels Fee*

An act to provide expense reimbursement to certain tank owners and operators; and providing an immediate effective date.

Amending sections 75-11-301, 75-11-302, 75-11-307, 75-11-308, and 75-11-318, MCA.

Committee Hearings:	Senate Taxation House Taxation
Second Reading Votes:	Senate 39-10; House 69-31
Third Reading Votes:	Senate 37-12; House 74-26

Senate amended, House not concurred 99-0.

Free Conference Committee vote: Senate 47-2; House 64-36.

#### HJR 39 \* Daily

*Urge Cleanup of Berkeley Pit be Given Highest Priority for EPA and Congress*

A Joint Resolution of the Senate and the House of Representatives of the state of Montana strongly urging the United States Environmental Protection Agency and the United States Congress to

*Solid Waste and Hazardous Materials Management / 93*



give highest priority to cleanup of the Berkeley Pit and protection of alluvial aquifers underlying the Silver Bow Creek Superfund Site.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 50-0; House - placed on consent calendar, approved by voice vote
Third Reading Votes:	Senate 50-0; House 100-0

Senate amended, House concurred 99-0.

## Failed

### SB 133 Nathe

*Exempt from Regulation Underground Tanks of 1100 Gallons or Less Capacity*

An act exempting underground storage tanks that are 1,100 gallons or less in capacity from the Montana Hazardous Waste and Underground Storage Tank Act.

Amending sections 75-10-403, 75-10-405, and 75-11-217, MCA.

Committee Hearings: Senate Natural Resources

Adverse Senate Committee report adopted 32-16.

### SB 245 Nathe

*Exempt Heating Fuel Tanks from Underground Tank Regulation*

An act exempting from underground storage tank regulation those tanks used for storing heating fuel for consumptive use on the premises where stored.

Amending sections 75-10-403 and 75-11-217, MCA.

Committee Hearings: Senate Natural Resources

Adverse Senate Committee report adopted 34-16.



**SB 247 Nathe**

*Exempt Pipes from Aboveground Heating Fuel Tanks from Tank Regulations*

An act exempting underground pipe connected to aboveground residential heating fuel tanks from underground storage tank regulation.

Amending section 75-10-403, MCA.

Committee Hearings: Senate Natural Resources

Adverse Senate Committee report adopted 33-17.

**SB 355 Beck**

*Provide for Waiver of Certain Underground Storage Tank Inspections and Fees*

An act clarifying that inspection of certain underground storage tank installations and closures is not necessary; authorizing the Department of Health and Environmental Sciences to waive inspections fees; and providing an immediate effective date.

Amending sections 75-11-209, 75-11-213, and 75-11-217, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 49-0

Third Reading Votes: Senate 48-1

Tabled in House Committee.

**HB 186 Davis**

*Replace Annual Underground Storage Tank Fees with a One-time Fee*

An act to replace the annual underground storage tank registration fee with a one-time fee.

Amending section 75-10-405, MCA.

Committee Hearings: House Natural Resources

Tabled in House Committee.

**HB 344 Quilici**

*Clarify "Owns and Operates" in CERCLA*

An act clarifying the term "owns or operates" for purposes of establishing liability for remedial action upon release of a hazardous or deleterious substance.

Amending section 75-10-701, MCA.

Committee Hearings: House Judiciary

Died in House Committee.

**HB 380 Daily**

*Require Immediate Remedial Action to Prevent Aquifer Contamination*

An act to require immediate action to contain, remove, and abate a release of a hazardous or deleterious substance at certain sites to prevent aquifer contamination; and to increase certain civil penalties to \$25,000 per day of violation.

Amending sections 75-5-103, 75-5-601, 75-5-605, 75-5-631, 75-10-704, 75-10-711, 75-10-712, 75-10-714, and 75-10-715, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: House 99-0

Third Reading Votes: House 99-0

Adverse Senate Committee report adopted 43-6.

**HB 799 Wallin**

*Prohibit DHES from Regulating Tanks Other than those Regulated Federally*

An act providing that the Department of Health and Environmental Sciences may not regulate underground storage tanks that are not regulated by the federal government.

Amending sections 75-10-403, 75-10-405, 75-11-209, and 75-11-308, MCA; and repealing section 75-11-217, MCA.

Committee Hearings: House Natural Resources

Tabled in House Committee.

**HB 845 Brooke**

*Require Underground Storage Tank and Pipes to have Double Walls*

An act requiring underground storage tanks and underground pipes, as defined in section 75-10-403(17)(A), MCA, to have double walls; and providing an immediate effective date and an applicability date.

Amending section 75-10-405, MCA.

Committee Hearings:                      House Appropriations

Tabled in House Committee.

## Hazardous Waste

Passed \*

### SB 161 \* Weeding

#### *Voluntary Waste Pesticide Reporting System*

An act authorizing the Department of Agriculture to establish a voluntary waste pesticide reporting system; directing the department to develop a proposed waste pesticide disposal program; and providing an effective date.

Amending section 80-8-102, MCA.

Committee Hearings:	Senate Agriculture House Agriculture
Second Reading Votes:	Senate 46-0; House 97-0
Third Reading Votes:	Senate 46-3; House 99-0

### HB 145 \* Grady

#### *Encourage Oil Recycling through Sign Display by Retailers and Wholesalers*

An act requiring oil retailers and wholesalers to display a sign indicating the location of the nearest waste oil recycling collection center.

Committee Hearings:	Senate Natural Resources House Appropriations
Second Reading Votes:	Senate 26-19; House 76-17
Third Reading Votes:	Senate 31-17; House 81-16

### HB 239 \* Raney

#### *Infectious Waste Management Act*

An act to create the Infectious Waste Management Act; to establish management standards for the storage, transportation, treatment, and disposal of infectious waste; and to grant

professional and occupational boards rulemaking authority and the authority to impose annual fees.

Committee Hearings:	Senate Public Health House Natural Resources
Second Reading Votes:	Senate 29-13; House 93-5
Third Reading Votes:	Senate 33-16; House 92-7

#### HB 383 \* Raney

##### *Hazardous Waste Fuels Regulation*

An act to allow the Department of Health and Environmental Sciences to regulate industrial furnaces and industrial boilers that burn hazardous wastes if there are no federal regulations or to regulate them more stringently than federal regulations; and providing an immediate effective date.

Amending section 75-10-405, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 30-11; House 70-24
Third Reading Votes:	Senate 38-10; House 75-22

#### HB 607 \* Raney

##### *Amend Permit Requirements for Solid and Hazardous Waste Incinerators*

An act amending the laws relating to permit requirements for solid waste incinerators; extending the permit requirements to hazardous waste incinerators; and providing an immediate effective date.

Amending section 75-2-215, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 49-0; House 87-12
Third Reading Votes:	Senate 41-8; House 86-13

Senate amended, House concurred 98-0.

**HB 858 \* Gilbert**

*Statewide Household Hazardous Waste Public Education Program*

An act establishing a statewide household hazardous waste public education program; and defining household hazardous waste.

Amending section 75-10-203, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 23-13; House - placed on consent calendar, approved by voice vote
Third Reading Votes:	Senate 39-10; House 96-3

## Solid Waste

Passed \*

### SB 111 \* Halligan

*Provide Tax Incentives To Encourage Business Recycling and Reclamation Activity*

An act encouraging business involvement in the reclamation and recycling of materials; providing tax credits for investments in depreciable property to collect, transport, or process reclaimable material or to manufacture a product from reclaimed material; providing a limitation to the tax credit; providing an additional 5 percent tax deduction for business related use of recycled materials; and providing effective dates an applicability date, and a termination date.

Committee Hearings:	Senate Taxation House Taxation
Second Reading Votes:	Senate 49-0; House 93-1
Third Reading Votes:	Senate 48-1; House 95-1

House amended, Senate concurred 49-0.

### SB 168 \* Doherty

*Direct Amendment of ARM to Allow Use of Nondisposable Diapers in Day Care*

An act directing amendment of Rules 11.14.502 and 16.24.410, Administrative Rules of Montana, to eliminate current restrictions on the use of nondisposable diapers in day-care facilities; and providing an immediate effective date.

Committee Hearings:	Senate Public Health House Human Services
Second Reading Votes:	Senate 44-4; House 89-2
Third Reading Votes:	Senate 47-1; House 97-2



**SB 189 \* Beck**

*General Revision of Local Government Solid Waste Management Laws*

An act to generally revise the laws relating to solid waste management by local governments; authorizing multicounty solid waste districts; and providing an effective date.

Amending sections 7-5-2306, 7-5-4304, 7-5-4321, 7-7-2501, 7-7-4402, 7-13-202, 7-13-204, 7-13-209, 7-13-210, 7-13-212, 7-13-215, 7-13-232, 7-13-233, and 7-13-235, MCA; repealing sections 7-13-241, 7-13-242, 7-13-243, 7-13-2401, 7-13-2402, 7-13-2403, 7-13-2404, 7-13-2405, and 7-13-2406, MCA.

Committee Hearings:	Senate Local Government House Natural Resources
Second Reading Votes:	Senate 46-2; House 86-7
Third Reading Votes:	Senate 50-0; House 82-12

House amended, Senate not concurred 45-0.

Free Conference Committee vote: Senate 45-4; House 88-11.

**SB 209 \* Yellowtail**

*Require Solid Waste Management System be Licensed Annually by DHES*

An act to require a solid waste management system to be licensed annually by the Department of Health and Environmental Sciences; to require an applicant for a license to pay an application fee; to authorize the Department of Health and Environmental Sciences to collect fees; and providing an effective date and a retroactive applicability date.

Amending sections 7-13-231, 75-10-102, 75-10-104, 75-10-115, 75-10-204, and 75-10-221, MCA.

Committee Hearings:	Senate Public Health House Natural Resources
Second Reading Votes:	Senate 31-18; House 78-21
Third Reading Votes:	Senate 37-12; House 73-23

House amended, Senate concurred 41-8.

**SB 346 \* Harp**

*Establish Solid Waste Management Fee on Waste Generated Out-of-State*

An act establishing a solid waste management fee on waste generated out of state; and providing a delayed effective date.

Amending sections 75-10-104, 75-10-105, 75-10-116, and 75-10-117, MCA; and repealing section 75-10-110, MCA.

Committee Hearings:	Senate Natural Resources
	House Natural Resources
Second Reading Votes:	Senate 44-5; House 90-3
Third Reading Votes:	Senate 46-3; House 90-6

House amended, Senate concurred 46-2.

**SB 357 \* Beck**

*Requires DHES to Consult with Local Governments about Solid Waste Facilities*

An act requiring the Department of Health and Environmental Sciences to consult with local governments when licensing solid waste management facilities.

Amending section 75-10-102, MCA.

Committee Hearings:	Senate Natural Resources
	House Local Government
Second Reading Votes:	Senate 49-0; House - placed on consent calendar, approved by voice vote
Third Reading votes:	Senate 47-2; House 95-1

**SB 400 \* Van Valkenburg**

*Absolute Liability Solid Waste Disposal*

An act imposing absolute liability on the owner or former owner of solid waste disposed of in violation of state law; imposing a civil penalty for persons found absolutely liable; and clarifying the prohibition against dumping solid waste on public property.

Amending sections 75-10-212 and 75-10-233, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources  
Second Reading Votes: Senate 49-0; House 86-9  
Third Reading Votes: Senate 49-0; House 82-11

House amended, Senate concurred 50-0

**HB 139 \* Raney**

*Extension of Moratorium on Interstate Transport of Solid Waste*

An act to extend the moratorium on certain interstate transport of solid waste.

Amending section 75-10-209, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources  
Second Reading Votes: Senate 46-4; House 80-11  
Third Reading Votes: Senate 42-8; House 85-13

Senate amended, House not concurred 83-15.

Free Conference Committee vote: Senate 36-11, House 85-13.

**HB 160 \* Gilbert**

*Montana Integrated Waste Management Act*

An act establishing a solid waste reduction target; establishing integrated waste management priorities; establishing a state government source reduction and recycling program; directing the Department of Administration to develop procurement guidelines for recycled materials; and authorizing the preparation of a State Solid Waste Management Plan.

Amending section 75-10-104, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources  
Second Reading Votes: Senate 33-16; House 92-0  
Third Reading Votes: Senate 35-14; House 100-0

Senate amended, House concurred 98-0.

**HB 263 \* Driscoll**

*Clarify PSC's Authority to Regulate Transportation of Recyclables*

An act to clarify the Public Service Commission's authority to regulate the transportation of recyclables.

Amending sections 69-12-101, 69-12-301, 69-12-302, and 69-12-406, MCA.

Committee Hearings:	Senate Highways and Transportation House Highways and Transportation
Second Reading Votes:	Senate 48-0; House 94-0
Third Reading Votes:	Senate 45-3; House 100-0

**HB 377 \* Raney**

*Megalandfill Siting Act*

An act establishing a certification and licensing process for megalandfills; providing for contracts for information; requiring the submission of long-range plans; requiring a certificate of site acceptability; specifying environmental factors to be evaluated; requiring a filing fee; providing a contested case hearings process; specifying decisionmaking criteria; requiring a license; requiring monitoring; providing for enforcement by residents; providing a mechanism to recover damages for contamination of a drinking water supply; providing for judicial review; providing penalties for violations; providing a surety bond; and providing an immediate effective date.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 35-14; House 94-5
Third Reading Votes:	Senate 37-13; House 96-4

**HB 607 \* Raney**

*Amend Permit Requirements for Solid and Hazardous Waste Incinerators*

An act amending the laws relating to permit requirements for solid waste incinerators; extending the permit requirements to hazardous waste incinerators; and providing an immediate effective date.

Amending section 75-2-215, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources  
Second Reading Votes: Senate 49-0; House 87-12  
Third Reading Votes: Senate 41-8; House 86-13

Senate amended, House concurred 98-0.

**HB 660 \* Cohen**

*Revise Solid Waste Management Exemption*

An act specifying that the exclusion in the Montana Solid Waste Management Act applies only to a person disposing of solid waste that was generated in reasonable association with the person's household or agricultural operations; providing a civil penalty for violations of solid waste disposal laws and rules; and providing an applicability date and an immediate effective date.

Amending section 75-10-214, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources  
Second Reading Votes: Senate 27-20; House 75-22  
Third Reading Votes: Senate 38-12; House 72-21

Senate amended, House concurred 97-2.

**HB 706 \* Cohen**

*Establish Licensing Process for Motor Vehicle Wrecking Facilities/Graveyards*

An act establishing a licensing process for motor vehicle wrecking facilities and motor vehicle graveyards; allowing the governing body of a county to conduct a hearing; and establishing criteria for the decision by the Department of Health and Environmental Sciences to license a facility.

Committee Hearings: Senate Local Government  
House Local Government  
Second Reading Votes: Senate 49-0; House - placed on  
consent calendar, approved by voice  
vote  
Third Reading Votes: Senate 44-5; House 95-4

Senate amended, House concurred 99-0.

**HB 732 \* Cohen**

*Require Secured Loads on Vehicles*

An act requiring secured loads on vehicles.

Committee Hearings:	Senate Highways and Transportation House Natural Resources
Second Reading Votes:	Senate 48-0; House 79-14
Third Reading Votes:	Senate 44-4; House 72-27

**HB 782 \* Hansen, Stella Jean**

*Clarify Requirements of the Montana Junk Vehicle Program*

An act clarifying the requirements relating to motor vehicle recycling and disposal; and providing an effective date.

Amending sections 75-10-501, 75-10-503, 75-10-521, 75-10-534, and 75-10-541, MCA.

Committee Hearings:	Senate Business and Industry House Business and Economic Development
Second Reading Votes:	Senate 33-10; House 96-3
Third Reading Votes:	Senate 40-9; House 94-5

Senate amended, House not concurred 82-6.  
Free Conference Committee vote: Senate 47-3; House 95-4.

**HB 891 \* Stickney**

*Require Financial Assurance for Megalandfills*

An act requiring financial assurance as a condition of a license to operate a megalandfill; providing for the release of an operator from financial assurance; providing the Board of Health and Environmental Sciences with the authority to reclaim, restore, or replace damaged or impaired natural resources; establishing a megalandfill reclamation account; and providing an immediate effective date.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 33-15; House 87-11
Third Reading Votes:	Senate 36-14; House 90-9

Senate amended, House concurred 96-1.



**HB 918 \* Southworth**

*Revised Definition of Solid Waste to Make Consistent with Related Statute*

An act to revise the definition of solid waste.

Amending section 75-10-103, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 49-0; House 88-9
Third Reading Votes:	Senate 44-5; House 89-10

**HJR 7 \* Larson**

*HJR Urging Local Governments to Develop Recycling Programs*

A Joint Resolution of the Senate and the House of Representatives of the state of Montana urging local governments and school districts to develop source reduction and recycling programs and guidelines for the procurement of materials and supplies made from recycled material.

Committee Hearings:	Senate Local Government House Local Government
Second Reading Votes:	Senate 49-0; House 99-0
Third Reading Votes:	Senate 48-0; House 98-0

**Failed**

**SB 27 Svrcek**

*Exempt Vehicles Transporting Recyclable Materials from Carrier Regulations*

An act exempting motor vehicles used exclusively for the transportation of recyclable or recycled materials from laws regulating motor carriers.

Amending sections 69-12-101 and 69-12-102, MCA.

Committee Hearings:	Senate Highways and Transportation
Tabled in Senate Committee.	



**SB 99 Harp**

*Provide a Preference for Privately Operated Solid Waste Management Systems*

An act providing authority to the Department of Health and Environmental Sciences to develop procedures for public input to local governments on whether solid waste management systems should be privately or publicly operated.

Amending sections 75-10-102, 75-10-104, and 75-10-106, MCA.

Committee Hearings:	Senate Local Government House Natural Resources
Second Reading Votes:	Senate 49-0; House 47-51
Third Reading Votes:	Senate 47-2

**SB 114 Weeding**

*Local Referendum on Siting of a Mega-Landfill*

An act providing for a local referendum on the establishment of a megalandfill; and providing an immediate effective date.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 27-21
Third Reading Votes:	Senate 31-18

Tabled in House Committee.

**SB 255 Vaughn**

*Require that Fish Bait Containers be Biodegradable*

An act requiring that packaged fish bait must be sold in biodegradable containers; and providing a penalty.

Committee Hearings:	Senate Fish and Game House Fish and Game
Second Reading Votes:	Senate 49-9
Third Reading Votes:	Senate 43-6

Tabled in House Committee.

**SB 268   Svrcak**

*Increase Use of Recycled Goods by State Agencies*

An act to increase the use of recycled goods by state agencies; to provide a voluntary state agency purchase preference for goods manufactured from recycled materials; to encourage paper conservation by public and state agencies; and to provide an audit of and report on the purchase preference program to the 1993 Legislature.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 34-14
Third Reading Votes:	Senate 37-12

Tabled in House Committee.

**HB 184   Cobb**

*3-Vehicle Exemption from Law on Keeping of Junk Vehicles*

An act to provide that the junk vehicle disposal law does not apply to the keeping of three or fewer junk vehicles at a single location; and providing an immediate effective date.

Committee Hearings:	House Local Government
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Tabled in House Committee.

**HB 375   Hansen, Stella Jean**

*Increase the Penalty for Putting Refuse on Highway*

An act increasing the penalty for the unauthorized disposal of debris or refuse; and increasing the penalty for putting refuse on a highway.

Amending sections 61-8-365 and 75-10-233.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	House 62-30
Third Reading Votes:	House 60-40

Adverse Senate Committee report adopted 34-14.

**HB 636 Elliott**

*Extend Special Provisions to Local Government Authority to Haul Waste*

An act extending special provisions to local governments and refuse disposal districts for transportation of waste; and providing an immediate effective date.

Amending section 69-12-324, MCA.

Committee Hearings:	House Highways and Transportation
Second Reading Votes:	House 28-67

**HB 838 Southworth**

*Prohibition on the Landfill in or Incineration of Certain Solid Waste*

An act prohibiting the disposal of certain components of solid waste in landfills or waste incinerators; requiring local governments to develop solid waste management plans; authorizing the Department of Health and Environmental Sciences to grant variances; and requiring that used lead acid batteries be recycled.

Committee Hearings:	House Natural Resources
Second Reading Votes:	House 46-49

**HB 855 Rice, Sheila**

*Recycled Products Procurement Act*

An act mandating that state agencies procure recycled paper products; and specifying by weight the percent of recycled paper to be procured by certain dates.

Committee Hearings:	House Natural Resources
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Tabled in House Committee.

**HB 965 Brown, Jan**

*Permit State Agencies to Sell State Property as a Part of Recycling Programs*

An act allowing state agencies, the legislature, and the university system to sell or dispose of state property as part of source reduction and recycling activities; allowing the proceeds of source and recycling activities to be used to physically improve the quality of the work environment; providing a statutory appropriation; and providing an immediate effective date.

Amending sections 17-7-502 and 18-6-101, MCA.

Committee Hearings:                      House State Administration

Died in House Committee.

# Taxation of Minerals and Allocation of Mineral Revenues

## Coal Severance Tax Rates

Passed \*

SB 93 \* Gage

*Revise Valuation of Coal for RITT and Rate of RIT Tax on Coal*

An act revising the Resource Indemnity Trust Tax by changing the rate of tax on coal and the method of valuing coal; and providing an immediate effective date and a retroactive applicability date.

Amending sections 15-38-103 and 15-38-104, MCA.

Committee Hearings:	Senate Taxation House Taxation
Second Reading Votes:	Senate 40-7; House 65-29
Third Reading Votes:	Senate 45-4; House 76-21

Failed

SB 352 Towe

*Freezing Coal Severance Tax at 20%*

An act freezing the coal severance tax at 20 percent; allocating part of the coal severance tax proceeds to coal research and development; and providing an effective date.

Amending sections 15-35-103 and 15-35-108, MCA.

Committee Hearings:	Senate Taxation
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Tabled in Senate Committee.

**SB 470 Towe**

*Generally Revising the Taxation of Coal*

An act creating the Montana Coal Tax Reform Act; setting the coal severance tax at 13.5 percent of the F.O.B. mine price; imposing a tax on the excess profits of coal producers; taxing coal as minerals in place with a value in excess of \$1 million; defining minerals in place; providing an alternative tax to the tax on coal as minerals in place; reimposing the taxes on coal gross proceeds that were in effect prior to the passage of chapter 11, special laws of 1989; and providing an immediate effective date and a retroactive applicability date.

Amending sections 15-1-101, 15-6-132, 15-6-201, 15-6-208, 15-8-111, 15-23-101, 15-23-106, 15-23-701, 15-23-703, 15-31-114, 15-35-102, 15-35-103, 20-9-141, 20-9-331, 20-9-333, 20-9-366, 20-9-501, 20-10-144, and 90-6-402, MCA.

Committee Hearings: Senate Taxation

Tabled in Senate Committee.

**HB 34 Davis**

*Establishing Coal Severance Tax at 40%*

An act establishing the severance tax rate at 40 percent for surface-mined coal; and providing an effective date.

Amending sections 15-35-103 and 15-35-202, MCA.

Committee Hearings: House Taxation

Tabled in House Committee.

## Other Mineral Tax Rates

Passed \*

### SB 15 \* Gage

*Exempt from RIT Tax Indian and Oil and Gas Royalties*

An act exempting from the Resource Indemnity Trust Tax oil and gas royalties received by the United States as trustee for individual Indians and by the United States, the state of Montana or a county or municipal government; and providing an immediate effective date and a retroactive applicability date.

Amending section 15-38-121, MCA.

Committee Hearings:	Senate Taxation House Taxation
Second Reading Votes:	Senate 47-0; House 84-5
Third Reading Votes:	Senate 48-0; House 87-12

### SB 468 \* Gage

*Clarify Definition and Administration of Oil and Gas Local Government Severance Tax*

An act relating to the taxation of oil and natural gas for state severance tax and local government severance tax purposes; clarifying the definition of gross value for computation of the local government severance tax; conforming the administration of the local government severance tax to the state severance tax; and providing an immediate effective date and a retroactive applicability date.

Amending sections 15-23-603, 15-36-101, 15-36-105, 15-36-107, 15-36-108, 15-36-113, 15-36-114, and 15-36-121, MCA.

Committee Hearings:	Senate Taxation House Taxation
Second Reading Votes:	Senate 49-0; House 92-6
Third Reading Votes:	Senate 49-0; House 92-6



**HB 699 \* Ellison**

*Exempt Travertine and Building Stone from Mines Net Proceeds Tax*

An act to exempt travertine and building stone from mines net proceeds taxation; and providing an immediate effective date and a retroactive applicability date.

Amending sections 15-6-131 and 15-23-502, MCA.

Committee Hearings:	Senate Taxation
	House Taxation
Second Reading Votes:	Senate 48-0; House 71-28
Third Reading Votes:	Senate 49-0; House 72-28

Senate amended, House concurred 90-7.

**HB 976 \* Swysgood**

*Establish Value of Vermiculite for Net Proceeds and RITT Purposes*

An act establishing the value of vermiculite for net proceeds property tax purposes and for Resource Indemnity Trust tax purposes; establishing a specific Resource Indemnity Trust tax rate for vermiculite; revising the inflation adjustment for the net proceeds tax on talc to conform with that for vermiculite; and providing an immediate effective date and retroactive applicability dates.

Amending sections 15-6-131, 15-8-111, 15-23-103, 15-23-106, 15-23-115, 15-23-502, 15-23-503, 15-23-515, 15-23-521, 15-38-103, and 15-38-104, MCA.

Committee Hearings:	Senate Taxation
	House Taxation
Second Reading Votes:	Senate 48-0; House 85-9
Third Reading Votes:	Senate 49-0; House 94-5

Senate amended, House concurred 94-4.

Failed

**SB 345 Gage**

*Revise Distribution of Coal Gross Proceeds and Local Government Severance Tax Revenue to Local Jurisdictions*

An act revising the distribution of coal gross proceeds and oil and natural gas local government severance taxes to taxing jurisdictions based on mill levies in effect in the preceding fiscal year; and providing an effective date.

Amending sections 15-23-703 and 15-36-112, MCA.

Committee Hearings:	Senate Taxation House Taxation
Second Reading Votes:	Senate 49-0
Third Reading Votes:	Senate 48-0

Died in House Committee.

**SB 373 Gage**

*Generally Revising the Taxation of Oil and Gas*

An act to generally revise the taxation of oil and gas; exempting new production of oil, under certain conditions, and gas from the state severance tax for 24 months; providing incentive state severance tax rates and local government severance tax rates for oil produced from approved secondary recovery projects and from wells drilled horizontally; revising the state severance tax and local government severance tax rates on oil produced from tertiary recovery projects; providing that new oil production from approved secondary and tertiary recovery projects and from approved wells drilled horizontally are taxed at the same rate for state and local government severance tax purposes as other oil is taxed in the approved project or approved well; revising the definition of an oil stripper well; exempting the first 5 barrels of stripper well production, under certain conditions, from the state severance tax; revising the severance tax rates for other stripper well production; conforming the administration of the local government severance tax to the state severance tax; providing for the accelerated payment of the local government severance tax on certain production; revising the distribution of local government severance tax rates based on the previous year's mill levies; and providing an immediate effective date and a retroactive applicability date.

Amending sections 15-23-601, 15-23-602, 15-23-603, 15-23-607, 15-23-612, 15-36-101, 15-36-105, 15-36-107, 15-36-108, 15-36-112, 15-36-113, 15-36-114, 15-36-121, 20-9-141, 20-9-331, and 20-9-333, MCA.

Committee Hearings: Senate Taxation

Tabled in Senate Committee.

#### SB 457 Doherty

##### *Revise Laws on Metal Mines Taxation*

An act revising the laws relating to the administration of the taxation of metal mines; providing that the market value of metal mine yield be based upon the average New York City price quotations for the metal; changing reporting from an annual to a quarterly basis; reducing the penalty for delinquent tax; and providing an immediate effective date and a retroactive applicability date.

Amending sections 15-37-102, 15-37-104, 15-37-105, 15-37-106, and 15-37-108, MCA.

Committee Hearings: Senate Taxation

Tabled in Senate Committee.

#### HB 457 Elliott

##### *Imposing a Tax on the Excess Profits of Producers of Oil and Natural Gas*

An act imposing a tax on the excess profits of producers of oil or natural gas; providing a method for determining the excess profits of producers of oil or natural gas; and providing an immediate effective date and a retroactive applicability date.

Amending section 15-31-114, MCA.

Committee Hearings: House Taxation

Tabled in House Committee.

**HB 458 Elliott**

*Imposing a Tax on the Excess Profits of Coal Producers*

An act imposing a tax on the excess profits of coal producers; applying the tax to net profits in excess of 20 percent of gross income; providing a method for determining the excess profits of coal producers; and providing an immediate effective date and a retroactive applicability date.

Amending section 15-31-114, MCA.

Committee Hearings: House Taxation

Tabled in House Committee.

**HB 910 Madison**

*Tax Minerals in Place as Class Four Property*

An act taxing minerals in place with a value in excess of \$1 million as class four property; defining minerals in place; providing that minerals in place owned by a governmental entity are taxable if leased by a nongovernmental entity; and providing an immediate effective date and an applicability date.

Amending sections 15-1-101, 15-6-134, 15-6-201, and 15-6-208, MCA.

Committee Hearings: House Taxation

Tabled in House Committee.

**HB 982 O'Keefe**

*Reimpose Net and Gross Proceeds on Production of Coal, Oil, and Natural Gas -- Increase School Budget Schedules by 2 Percent*

An act to generally revise the taxation of coal, oil, and natural gas; reimposing the taxes on coal gross proceeds and on oil and gas net proceeds that were in effect prior to the passage of Chapter 11, Special Laws of 1989; extending the net proceeds tax exemption for new oil and gas production while the price of oil is less than \$25 a barrel; increasing the school maximum budget schedules by 3 percent each fiscal year; appropriating funding for the schedule increases; and providing effective dates and a retroactive applicability date.

Amending sections 7-1-2111, 7-7-2101, 7-7-2203, 7-14-2524, 7-14-2525, 7-16-2327, 15-1-101, 15-6-132, 15-23-601, 15-23-602, 15-23-603, 15-23-605, 15-23-607, 15-23-612, 15-23-703, 15-36-101, 15-36-102, 15-36-105, 15-36-112, 15-36-121, 20-9-141, 20-9-316, 20-9-317, 20-9-318, 20-9-319, 20-9-331, 20-9-333, 20-9-366, 20-9-501, 20-10-144 and 90-6-402, MCA.

Committee Hearings:	Senate Taxation
	House Taxation
Second Reading Votes:	Senate 29-21; House 51-49
Third Reading Votes:	Senate 28-22; House 51-49

Senate amended, House concurred 59-37.

This bill is void due to failure of coordinating provision, HB 1007.

## Allocation of Coal Severance Tax Revenues

Passed \*

SB 26 \* Manning

*Revise Board of Investments' Authority to Invest Permanent Coal Tax Trust Fund*

An act to generally revise the authority of the Board of Investments to invest the permanent coal tax trust fund; eliminating the authority of the Board of Investments to guarantee loans; eliminating the economic development guarantee fund and the in-state investment fund; allowing the Board of investments to invest up to 25 percent of the permanent coal tax trust fund in the Montana economy; requiring the Board of Investments to report biennially to the Legislature; eliminating the loan loss reserve fund; authorizing Montana capital companies to issue and sell debentures to the permanent coal tax trust fund; allowing an interest rate reduction incentive for job creation by small businesses; allowing an additional service fee discount to financial institutions on certain small business loan participations; and providing an effective date.

Amending sections 17-5-1506, 17-5-1525, 17-5-1526, 17-5-1527, 17-6-302, 17-6-305, 17-6-308, 17-6-310, 17-6-311, 17-6-314, 17-6-322, 90-3-101, 90-3-525, 90-6-104, 90-8-102, and 90-8-305, MCA; and repealing sections 17-5-1519, 17-5-1520, 17-6-306, and 17-6-315, MCA.

Committee Hearings:	Senate Taxation House Taxation
Second Reading Votes:	Senate 48-1; House 97-1
Third Reading Votes:	Senate 47-2; House 95-2

HB 701 \* Driscoll

*Provide State Funding for Clean Coal Technology Projects*

An act providing state funding for clean coal technology projects; authorizing property tax exemptions for clean coal technology projects; creating a clean coal technology demonstration fund in the coal severance tax trust fund; authorizing investment loans for clean coal technology projects



authorized by the legislature; authorizing the first project to be eligible for a loan; and providing an effective date.

Amending section 17-5-703, MCA.

Committee Hearings:	Senate Taxation House Taxation
Second Reading Votes:	Senate 49-0; House 92-8
Third Reading Votes:	Senate 49-0; House 92-8

Senate amended, House concurred 90-8.

#### **HB 868 \* Stepler**

##### *Generally Revise Distribution of Coal Gross Proceeds Taxes*

An act to generally revise the distribution of coal gross proceeds; requiring the Department of Revenue to calculate unit values for coal production based on 1988 production; excluding coal mines that began production after December 31, 1988, from the unit value calculation; requiring county treasurers to distribute coal gross proceeds taxes for coal mines that began production after December 31, 1988; requiring county treasurers to send excess revenue to the Department of Revenue; requiring the Department of Revenue to redistribute excess revenue to the counties; providing a statutory appropriation; and providing an effective date and a retroactive applicability date.

Amending sections 15-23-703 and 17-7-502.

Committee Hearings:	Senate Taxation House Taxation
Second Reading Votes:	Senate 48-0; House 90-8
Third Reading Votes:	Senate 47-2; House 89-9

Senate amended, House concurred 92-6.

#### **HB 1008 \* Bardanoue**

##### *Allocate Coal Tax Separately for Parks and Cultural Projects*

An act allocating to separate trust funds the coal severance tax money that would be deposited in a nonexpendable trust fund for parks management, protection of works of art in the state capitol, and other cultural and aesthetic projects; allowing the expenditure of coal tax revenue for parks for 2 years; and providing an effective date and a termination date.



Amending section 15-35-108, MCA.

Committee Hearings:	Senate Finance and Claims House Appropriations
Second Reading Votes:	Senate 48-0; House 93-4
Third Reading Votes:	Senate 45-3; House 96-4

Senate amended, House concurred 94-5.

## Failed

### SB 352 Towe

*Freezing Coal Severance Tax at 20%*

An act freezing the coal severance tax at 20 percent; allocating part of the coal severance tax proceeds to coal research and development; and providing an effective date.

Amending sections 15-35-103 and 15-35-108, MCA.

Committee Hearings:	Senate Taxation
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Tabled in Senate Committee.

### HB 247 Spring

*Increase Coal Tax Allocation to Conservation Districts*

An act to increase from 1/2 of 1 percent to 2 percent the amount of coal severance taxes allocable to conservation districts; and providing an effective date and an applicability date.

Amending section 15-35-108, MCA.

Committee Hearings:	House Natural Resources
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Tabled in House Committee.

### HB 374 Rice, Jim

*Appropriate Coal Trust Money to Big Sky Dividend Program*

An act statutorily appropriating money that would otherwise be deposited in the coal severance tax permanent fund to the

Department of Commerce for the Big Sky Dividend Program; and providing an effective date and a termination date.

Amending sections 17-5-703 and 17-7-502, MCA.

Committee Hearings: House Appropriations

Tabled in House Committee.

#### HB 702 Driscoll

##### *Coal Tax for Clean Coal Technology*

An act providing state funding for clean coal technology projects; creating a clean coal technology development account using coal severance tax proceeds not dedicated to the permanent trust fund; authorizing clean coal technology development loans for designated clean coal technology projects; statutorily appropriating money for loans; authorizing a specific loan; and providing an effective date.

Amending sections 15-35-108 and 17-7-502, MCA.

Committee Hearings: House Appropriations

Tabled in House Committee.

## Allocation of Other Mineral Tax Revenues

Passed \*

HB 10 \* **Bardanoue**

### *Oil Overcharge Appropriation*

An act appropriating oil overcharge money for programs administered by the state of Montana; and providing an effective date.

Committee Hearings:	Senate Finance and Claims House Appropriations
Second Reading Votes:	Senate 50-0; House 93-2
Third Reading Votes:	Senate 46-3; House 95-3

Failed

SB 464 **Gage**

### *Allocation of Oil and Gas Severance Taxes to Tribal Governments*

An act providing for the allocation of taxes from oil and natural gas produced on a reservation to tribal governments that enact a tax identical to the state severance tax or Resource Indemnity Trust Tax; providing for the collection and distribution of the tax; and providing an effective date and an applicability date.

Committee Hearings:	Senate Taxation House Taxation
Second Reading Votes:	Senate 49-0
Third Reading Votes:	Senate 49-0

Tabled in House Committee.

**HB 215 Driscoll**

*Increase Metal Mine License Tax to Fund Ground Water Assessment Programs*

An act increasing the rate of the Metal Mine License Tax; reallocating a portion of the tax proceeds to the ground water assessment account; and providing an effective date.

Amending sections 7-6-2225, 7-6-2226, 15-37-103, 15-37-117, and 20-9-231, MCA.

Committee Hearings: House Taxation

Tabled in House Committee.

**HB 437 Spring**

*Allocate a Portion of RIT Funds to Conservation Districts*

An act allocating a portion of the Resource Indemnity Trust Fund receipts to the state special revenue fund for conservation districts to fund certain conservation district operations and projects; and providing a contingent effective date and an applicability date.

Amending section 15-38-202.

Committee Hearings: House Taxation

Tabled in House Committee.

**HB 565 Daily**

*Use Proceed of RIT Tax for Reclamation after Trust Reaches \$100 Million*

An act allocating 100 percent of the proceeds of the Resource Indemnity Trust Tax to the reclamation and development grants account after the Resource Indemnity Trust Fund reaches \$100 million.

Amending sections 15-38-106, 15-38-202, 15-38-203, and 90-2-1104, MCA.

Committee Hearings: House Natural Resources

Tabled in House Committee.

# Water

## Appropriation and Adjudication

Passed \*

### SB 265 \* Grosfield

*Clarify Right to Beneficially Use, Sell or Lease Salvaged Water*

An act clarifying the right to beneficially use, sell, or lease salvaged water; defining "salvage"; and providing criteria for approval of changes in appropriation rights involving salvaged water.

Amending sections 85-2-102 and 85-2-402, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 49-0; House 85-3
Third Reading Votes:	Senate 45-2; House 88-11

### SB 266 \* Grosfield

*Revise the Montana Water Use Act*

An act revising the Montana Water Use Laws; defining the term "ground water"; reducing the level for regulation from 100 gpm to 35 gpm; clarifying objections; making permissive and authorizing fees for the submission of department records of water rights to a county clerk and recorder; requiring the verification of completions of permits and change approvals; and providing an effective date and an applicability date.

Amending sections 85-2-102, 85-2-113, 85-2-236, 85-2-306, 85-2-308, 85-2-312, 85-2-315, 85-2-317, 85-2-402, 85-2-424, and 85-2-501, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources  
Second Reading Votes: Senate 48-1; House 92-0  
Third Reading Votes: Senate 44-4; House 92-5

House amended, Senate not concurred 49-0.

Free Conference Committee Vote: Senate 47-2; House 88-11.

**SB 314 \* Grosfield**

*Revise and Clarify Water Reservation Process*

An act to generally revise and clarify the water reservation process; allowing available water from a revoked or modified reservation to be appropriated; requiring approval by the Board of Natural Resources and Conservation of changes in reservations; allowing transfers of water reservations and establishing criteria for such transfers; and providing an immediate effective date and a retroactive applicability provision.

Amending section 85-2-316, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources  
Second Reading Votes: Senate 49-0; House 95-1  
Third Reading Votes: Senate 48-1; House 94-2

**SB 386 \* Bengtson**

*Water Rights Transfer*

An act clarifying that a water right may be temporarily changed.

Amending section 85-2-404, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources  
Second Reading Votes: Senate 49-0; House 86-4  
Third Reading Votes: Senate 48-1; House 95-2

**SB 425 \* Grosfield**

*Water Leasing Study Amendments*

An act extending the period of initial water leases; modifying the initial and final water leasing study report process;

increasing the number of designated stream reaches; extending the term of the water leasing study; extending the authority for the Department of Fish, Wildlife, and Parks to accept contributions to lease water; providing an appropriation; and providing an immediate effective date and a termination date.

Amending sections 85-2-436 and 85-2-437, MCA, and Section 11, Chapter 658, Laws of 1989.

Committee Hearings:	Senate Natural Resources
	House Natural Resources
Second Reading Votes:	Senate 48-0; House 87-7
Third Reading Votes:	Senate 47-0; House 91-5

House amended, Senate not concurred 49-0.

Conference Committee vote: Senate 47-1; House 93-4.

#### **SB 434 \* Beck**

##### *Upper Clark Fork Basin Closure*

An act temporarily closing a designated portion of the upper Clark Fork River Basin to further appropriations, except appropriations for ground water; suspending action on applications for reservations in the upper Clark Fork River Basin; modifying priority dates for pending water reservations in the upper Clark Fork River Basin; requiring an applicant for a ground water permit to submit a report regarding the source of the ground water and department findings regarding the source; creating and establishing duties for an upper Clark Fork River Basin Steering Committee; and providing an immediate effective date and an applicability date.

Committee Hearings:	Senate Agriculture
	House Natural Resources
Second Reading Votes:	Senate 49-0; House 92-1
Third Reading Votes:	Senate 45-4; House 97-1

House amended, Senate not concurred 49-0.

Conference Committee Vote: Senate 48-0; House 97-0

#### **SB 472 \* Mazurek**

##### *Montana -- Northern Cheyenne Water Compact*

An act to ratify the compact entered into by the state of Montana and the Northern Cheyenne Tribe of the Northern Cheyenne Reservation; and providing an immediate effective date.



Committee Hearings: Senate Natural Resources  
House Natural Resources  
Second Reading Votes: Senate 49-0; House 84-15  
Third Reading Votes: Senate 48-1; House 83-17

House amended, Senate concurred 49-0.

**SJR 10 \* Mazurek**

*Water Agreement Fort Peck Compact Joint Resolution*

A Joint Resolution of the Senate and the House of Representatives of the state of Montana urging Congress to adopt legislation authorizing the Assiniboine and Sioux tribes of the Fort Peck Indian Reservation to enter into water agreements for the delivery, use, or transfer of water within or outside the reservation.

Committee Hearings: Senate Natural Resources  
House Natural Resources  
Second Reading Votes: Senate 49-0; House - placed on  
consent calendar, approved by voice  
vote  
Third Reading Votes: Senate 49-0; House 94-0

**HB 189 \* Thoft**

*Water Mediators in Decreed Basins*

An act to allow the use of water mediators in decreed and nondecreed basins.

Amending section 85-5-110, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources  
Second Reading Votes: Senate 49-0; House 97-1  
Third Reading Votes: Senate 49-0; House 98-1

**HB 360 \* Harper**

*Provide Terms for Members of Reserved Water Rights Compact Commission*

An act providing terms for members of the Reserved Water Rights Compact Commission; extending the termination date for the

suspension of adjudication requirements; and providing an immediate effective date.

Amending sections 2-15-212, 85-2-217, and 85-2-702, MCA.

Committee Hearings:	Senate Natural Resources
	House Natural Resources
Second Reading Votes:	Senate 49-0; House 90-4
Third Reading Votes:	Senate 50-0; House 96-4

Senate amended, House concurred 97-0.

Governor amended: Senate concurred 48-0; House concurred 94-2.

#### **HB 361 \* Harper**

*Clarify Adjudication Process for Federal Reserved Water Rights*

An act clarifying the adjudication process for federal reserved water rights with a priority date of July 1, 1973, or later; and providing an immediate effective date.

Committee Hearings:	Senate Natural Resources
	House Natural Resources
Second Reading Votes:	Senate 47-0; House 91-4
Third Reading Votes:	Senate 47-0; House 97-3

#### **HB 537 \* Harper**

*Create Drought Advisory Committee*

An act creating a Drought Advisory Committee; defining the committee's responsibilities; and providing an immediate effective date.

Committee Hearings:	Senate Agriculture
	House Natural Resources
Second Reading Votes:	Senate 36-11; House 92-3
Third Reading Votes:	Senate 41-8; House 95-4

Senate amended, House concurred 96-1.

**HB 745 \* Swysgood**

*Temporary Basin Closure*

An act establishing a partial basin closure in the Beaverhead River Basin and the Red Rock River Basin; and providing an immediate effective date, an applicability date, and a termination date.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 47-0; House 98-0
Third Reading Votes:	Senate 48-0; House 99-0

**HB 814 \* Thoft**

*Provide for State-Owned Water Project Disposition*

An act clarifying the law providing for the disposition of state-owned water projects by the Department of Natural Resources and Conservation; establishing a date for the department to attempt to dispose of its canal projects; increasing the percentage of affected water users required to veto a department decision to dispose of a project; and providing an immediate effective date.

Amending sections 85-1-211 and 85-6-109, MCA.

Committee Hearings:	Senate Agriculture House Agriculture
Second Reading Votes:	Senate 47-2; House 83-15
Third Reading Votes:	Senate 49-1; House 90-8

**HB 908 \* Harper**

*Water Measuring*

An act requiring the Board of Natural Resources and Conservation to adopt rules requiring the acquisition, installation, and maintenance of water measuring devices on chronically dewatered watercourses or portions of watercourses; providing guidelines for the Department of Natural Resources and Conservation to identify chronically dewatered watercourses; and authorizing the Department of Natural Resources and Conservation to consider Water Development Program grant and loan applications for the installation of required measuring devices.

Amending sections 85-1-602, 85-1-604, 85-2-102, and 85-2-113, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources  
Second Reading Votes: Senate 49-0; House 90-5  
Third Reading Votes: Senate 43-7; House 92-7

Senate amended, House concurred 97-1.

**HJR 42 \* O'Keefe**

*Oppose Coal Slurry until Completion of Water Rights Adjudication*

A Joint Resolution of the Senate and the House of Representatives of the state of Montana expressing the opposition of the Legislature to the use of Montana water for the transportation of coal until Montana's water rights adjudication process is complete.

Committee Hearings: Senate Natural Resources  
House Natural Resources  
Second Reading Votes: Senate 29-18; House 84-12  
Third Reading Votes: Senate 29-19; House 87-11

**Failed**

**SB 210 Yellowtail**

*Geothermal Resources Act*

An act requiring a water use permit for the use of geothermal resources; defining "geothermal resource"; clarifying that the Montana Major Facility Siting Act is not applicable to any geothermal use other than for the production of 7.5 megawatts or more of electricity; and providing an immediate effective date and an applicability date.

Amending sections 75-20-104, 75-20-211, 75-20-225, 85-2-102, 85-2-306, and 85-2-311, MCA; repealing section 75-20-1001, MCA.

Committee Hearings: Senate Natural Resources

Tabled in Senate Committee.

**SB 212 Bianchi**

*Instream Flow Act of 1991*

An act to authorize any person to appropriate water for instream use; to authorize the transfer by sale or lease of existing water rights to any person for instream use; to integrate instream use rights into Montana's prior appropriation system; and providing an immediate effective date.

Amending sections 85-2-102, 85-2-141, 85-2-310, 85-2-311, 85-2-312, 85-2-315, 85-2-401, 85-2-402, and 85-2-403, MCA.

Committee Hearings: Senate Natural Resources

Tabled in Senate Committee.

**SB 340 Bianchi**

*Increase Fishing License Fees and Use Revenue to Enhance Instream Flows*

An act increasing resident and nonresident fishing license fees and earmarking the revenue for enhancing or maintaining instream flows; and establishing a policy for purchases made with these fees, including the analysis of social and economic impacts.

Amending sections 87-2-301, 87-2-302, and 87-2-304, MCA.

Committee Hearings: Senate Natural Resources

Tabled in Senate Committee.

**SB 426 Grosfield**

*Wilderness Water Rights*

An act clarifying the water reservation process for federally designated wilderness areas.

Amending section 85-2-316, MCA.

Committee Hearings: Senate Natural Resources

House Natural Resources

Second Reading Votes: Senate 49-0

Third Reading Votes: Senate 47-2

Tabled in House Committee.

## Development and Irrigation

Passed \*

### SB 108 \* Bengtson

#### *Revise Election Procedures for Irrigation District Trustees*

An act revising the procedures for electing irrigation district trustees; allowing nominations to be made from the floor at the annual meeting; and permitting election by acclamation when there is only one nominee for a position.

Amending section 85-7-1702, MCA.

Committee Hearings:	Senate Local Government House Local Government
Second Reading Votes:	Senate 46-0; House - placed on consent calendar, approved by voice vote
Third Reading Votes:	Senate 49-0; House 99-0
House amended, Senate concurred 49-0.	

### SB 261 \* Lynch

#### *Revise Law Relating to Consolidated Government and Municipal Water Supply Systems*

An act to generally revise the law relating to consolidated government and municipal water supply systems; providing that a consolidated local government may supply sanitary sewer or storm sewer services or water to a district; and providing that a consolidated local government or a city or town council may purchase a private water supply system or take the system by eminent domain.

Committee Hearings:	Senate Local Government House Local Government
Second Reading Votes:	Senate 48-0; House 92-1
Third Reading Votes:	Senate 49-0; House 92-4



**SB 313 \* Grosfield**

*Clarify Water Storage Policy Act*

An act clarifying state water storage policy and the role of storage in solving water problems; establishing guidelines for setting priorities among new storage and rehabilitation storage projects; requiring a study of the feasibility of assessing recreational user fees to repay water storage project costs; requiring a study of water of the feasibility of collecting larger fees from consumptive water users who benefit from the development of new state-owned water storage projects or from the rehabilitation of existing state-owned water storage projects; requiring a study of water storage laws and regulations by the Water Policy Committee; creating a water storage state special revenue account; allocating additional tax revenues for water development; allocating 25% of the money available as grants in the water development state special revenue account and renewable resource development account to the development of water storage projects; eliminating the 10-year limit on project development plans required in applications for large water use permits; and providing an effective date.

Amending sections 85-1-604, 85-2-310, and 90-2-111, MCA.

Committee Hearings:	Senate Natural Resources
	House Natural Resources
Second Reading Votes:	Senate 49-0; House 81-16
Third Reading Votes:	Senate 49-0; House 88-9

House amended, Senate concurred 49-0.

**SJR 16 \* Doherty**

*Joint Resolution Fort Peck Reservoir Protection*

A Joint Resolution of the Senate and the House of Representatives of the state of Montana urging the use of all available methods to ensure the maintenance of adequate water levels in the Fort Peck Reservoir.

Committee Hearings:	Senate Natural Resources
	House Natural Resources
Second Reading Votes:	Senate 49-0; House 89-2
Third Reading Votes:	Senate 49-0; House 93-3



**SJR 24 \* Bengtson**

*Supports Pick-Sloan Initiative*

A Joint Resolution of the Senate and the House of Representatives of the state of Montana endorsing the strategies detailed in the Montana Pick-Sloan Initiative developed by the Montana Pick-Sloan Advisory Committee and the Department of Natural Resources and Conservation.

Committee Hearings:	Senate Natural Resources
	House Natural Resources
Second Reading Votes:	Senate 48-0; House 92-0
Third Reading Votes:	Senate 47-0; House 96-0

**HB 6 \* Connelly**

*Appropriate Funds for Water Development and Renewable Resource Grants and Loans*

An act to appropriate money to the Department of Natural Resources and Conservation for loans and grants under the Water Development Program and the Renewable Resource Development Program; to authorize loans from water development bond proceeds, renewable resource development bond proceeds, and appropriate funds for debt service; to reauthorize grants and loans approved by the 51st Legislature; to reallocate certain resource indemnity trust account interest income for Water Development Program grants during the biennium ending June 30, 1993; to place certain conditions upon grants and loans; and providing an immediate effective date.

Committee Hearings:	Senate Finance and Claims
	House Appropriations
Second Reading Votes:	Senate 50-0; House 94-4
Third Reading Votes:	Senate 49-0; House 94-3

**HB 7 \* Connelly**

*Appropriate Money for Water Development Loans and Approve Bond Issuance*

An act to appropriate money to the Department of Natural Resources and Conservation for loans under the Water Development Program; to approve the issuance of coal severance tax bonds to provide funds for loans to political subdivisions and local governments for certain approved water development projects; to reauthorize coal severance tax bonds for certain projects

approved by the 51st Legislature; to appropriate coal severance tax income for debt service; to authorize the creation of a state debt; to authorize the issuance of revenue bonds; to place certain conditions upon loans; and providing an immediate effective date.

Committee Hearings:	Senate Finance and Claims
	House Appropriations
Second Reading Votes:	Senate 48-0; House 96-3
Third Reading Votes:	Senate 46-2; House 94-3

Senate amended, House not concurred 98-1.

Conference Committee vote: Senate 49-0; House 82-18.

### HB 586 \* **Swysgood**

#### *Hydroelectric Revenues to Water Conservation Projects*

An act allocating hydroelectric power generation revenues derived from state water conservation projects to repair and rehabilitate state water conservation projects; authorizing the Department of Natural Resources and Conservation to transfer funds from the state water project hydroelectric power generation special revenue account and the broadwater replacement and renewal account for payment of debt service on water project bonds; and providing an effective date.

Amending sections 17-7-502 and 85-1-510, MCA.

Committee Hearings:	Senate Finance and Claims
	House Natural Resources
Second Reading Votes:	Senate 48-1; House 96-1
Third Reading Votes:	Senate 48-0; House 93-2

### **Failed**

### SB 195 **Bengtson**

#### *Define Water User Entity*

An act defining water user entity; allowing inclusion of water user entity facilities in local government master plans; requiring subdivision plat review by affected water user entities; requiring consideration of the effect of subdivision development on water user entities; removing certain exemptions and certain criteria for review; and providing an immediate effective date.

Amending sections 76-1-103, 76-1-601, 76-3-103, 76-3-104, 76-3-207, 76-3-601, 76-3-608, 76-3-609, 76-4-102, and 76-4-103, MCA.

Committee Hearings:	Senate Local Government
	House Natural Resources
	Senate Rules
Second Reading Votes:	Senate 47-1; House 45-54
Third Reading Votes:	Senate 50-0; House - reconsidered previous action 58-42

Tabled in Senate Rules Committee.

### **HB 880 Ellis**

#### *Dam Liability Revisions*

An act redefining dam, high-hazard dam, and reservoir; clarifying the liability for dams and reservoirs; and removing the authority of district courts and county commissioners to appoint water impoundment safety panels.

Amending sections 85-15-106, 85-15-209, and 85-15-305, MCA; and repealing sections 85-15-306, 85-15-307, 85-15-308, 85-15-309, 85-15-310, 85-15-311, 85-15-402, 85-15-403, and 85-15-404, MCA.

Committee Hearings:	House Natural Resources
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Tabled in House Committee.

## Water Quality

Passed \*

### SB 94 \* Beck

#### *Establish Ground Water Characterization and Monitoring Programs*

An act creating a Ground Water Monitoring Program and a Ground Water Characterization Program; establishing a ground water assessment account; increasing the filing fee for notice of completion of ground water development; increasing the filing fee for permits to beneficially use ground water; directing the Board of Water Well Contractors to amend Rule 36.21.415, Administrative Rules of Montana, to increase license fees; establishing a Ground Water Assessment Steering Committee; directing the Montana Bureau of Mines and Geology to administer the programs; providing an appropriation; and providing an effective date and a termination date.

Amending Sections 37-43-303, 37-43-307, 85-2-302, and 85-2-306, MCA.

Committee Hearings:	Senate Natural Resources House Taxation
Second Reading Votes:	Senate 47-2; House 70-24
Third Reading Votes:	Senate 44-4; House 79-20

House amended, Senate not concurred 49-0.

Free Conference Committee vote: Senate 43-6; House 73-26.

### SB 136 \* Beck

#### *Provide for Establishment of Local Water Quality Districts*

An act providing for the establishment of local water quality districts; authorizing establishment of fees; authorizing governing bodies of counties, cities, and towns that participate in a local water quality district to adopt local laws related to water quality protection; authorizing the Board of Health and Environmental Sciences to approve local water quality programs; and authorizing the Department of Health and Environmental Sciences to monitor implementation of local water quality programs.

Amending Section 75-5-106, MCA.

Committee Hearings:	Senate Natural Resources	
	House Natural Resources	
Second Reading Votes:	Senate 49-0;	House 73-17
Third Reading Votes:	Senate 40-9;	House 84-14

House amended, Senate concurred 47-1.

**SB 211 \* Harp**

*Increase Maximum Penalties for Water Quality Act Violations*

An act increasing the maximum penalties that may be assessed for violations of Title 75, Chapter 5, Part 6, MCA; providing that penalties and costs recovered by the Department of Health and Environmental Sciences under Title 75, Chapter 5, Part 6, MCA, must be deposited in the Environmental Quality Protection Fund.

Amending sections 75-5-631, 75-5-633, 75-5-634, 75-5-635, and 75-10-704, MCA.

Committee Hearings:	Senate Natural Resources	
	House Natural Resources	
Second Reading Votes:	Senate 48-1;	House 81-12
Third Reading Votes:	Senate 43-6;	House 87-10

House amended, Senate concurred 44-5.

**SB 377 \* Jergeson**

*Exempt Certain Underground Storage Tank Installers from Civil Penalties*

An act exempting underground storage tank installers who are employees from civil penalty provisions; and providing a retroactive applicability date.

Amending section 75-11-223, MCA.

Committee Hearings:	Senate Natural Resources	
	House Natural Resources	
Second Reading Votes:	Senate 49-0;	House 91-1
Third Reading Votes:	Senate 49-0;	House 93-1

**SB 437 \* Brown, Bob**

*Allow Local Government to Set Fees for Lake-Related Construction Permits*

An act allowing a local government to establish reasonable fees for lake-related construction permits; and clarifying that a permit is required for construction on a lakeshore.

Amending section 75-7-210, MCA.

Committee Hearings:	Senate Local Government
	House Local Government
Second Reading Votes:	Senate 48-0; House 87-2
Third Reading Votes:	Senate 46-1; House 96-1

House amended, Senate concurred 48-1.

**HB 161 \* Gilbert**

*Authorize DHES to Issue Water Quality Cleanup Orders to Local Government*

An act to authorize the Department of Health and Environmental Sciences to issue clean-up orders to appropriate units of state or local government in instances in which the state or local government has approved an activity that the department has reason to believe is likely to cause pollution of state waters.

Amending section 75-5-601, MCA.

Committee Hearings:	Senate Natural Resources
	House Natural Resources
Second Reading Votes:	Senate 30-15; House 78-11
Third Reading Votes:	Senate 37-12; House 86-14

Senate amended, House concurred 86-13.

**HB 162 \* Gilbert**

*Require Local Boards of Health to Regulate Septic and Sewer Systems*

An act requiring the Board of Health and Environmental Sciences to establish minimum standards for the control and disposal of sewage from private and public buildings; requiring local Boards of Health to adopt regulations that are no less stringent than state standards for the control and disposal of sewage from private and public buildings; providing for appeal of a local



variance decision to the Department of Health and Environmental Sciences; and providing an applicability date.

Amending sections 50-2-116 and 75-5-503, MCA.

Committee Hearings:	Senate Public Health
	House Natural Resources
Second Reading Votes:	Senate 26-21; House 83-7
Third Reading Votes:	Senate 33-16; House 85-15

Senate amended, House concurred 87-11.

**HB 240 \* Raney**

*Include Low Chemical Input Agricultural Projects in Renewable Resource Development Grants Program*

An act clarifying that projects proposed by public entities to research and demonstrate low agricultural chemical input farming practices are eligible for grants from the Renewable Resource Development Grant Programs.

Amending section 90-2-111, MCA.

Committee Hearings:	Senate Natural Resources
	House Natural Resources
Second Reading Votes:	Senate 49-0; House 86-10
Third Reading Votes:	Senate 48-0; House 87-10

Senate amended, House not concurred 66-29.

Free Conference Committee vote: Senate 48-0; House 95-5.

**HB 414 \* Cohen**

*Establishing a Water Quality Rehabilitation Account*

An act establishing a water quality rehabilitation account; requiring that fines and civil penalties collected for violations of Title 75, Chapter 5, MCA, be deposited in the water quality rehabilitation account; providing for a statutory appropriation of the account to the Department of Health and Environmental Sciences; requiring that certain costs and expenses recovered by the department for actions financed by the water quality rehabilitation account be deposited in the account; and providing an effective date.

Amending sections 17-7-502, 75-5-634 and 75-5-635, MCA.



Committee Hearings:	Senate Natural Resources House Appropriations
Second Reading Votes:	Senate 28-18; House 63-31
Third Reading Votes:	Senate 32-16; House 66-33

**HB 485 \* Raney**

*Revising the Authority of the Petroleum Tank Release Compensation Board*

An act revising certain definitions in Title 75, Chapter 11, Part 3; clarifying the responsibilities of a petroleum storage tank owner or operator and an agent designated for reimbursement; authorizing the Department of Health and Environmental Sciences to waive notification of the existence of a petroleum storage tank as a prerequisite to tank release reimbursement; providing for tribal review of cleanup plans proposed within a tribal jurisdiction; revising the roles of the Petroleum Tank Release Compensation Board and the Department of Health and Environmental Sciences in claims review; and providing an effective date.

Amending sections 75-11-302, 75-11-307, 75-11-308, and 75-11-309, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second reading Votes:	Senate 49-0; House 79-11
Third Reading Votes:	Senate 49-0; House 87-10

**HB 639 \* Hansen, Stella Jean**

*Late Fee for License to Clean Septic Tanks, Cesspools, and Privies*

An act to authorize a late fee for late renewal of a license to engage in the business of cleaning septic tanks, cesspools, and privies; and to allocate proceeds from late fees and the state's share of annual license fees to fund programs to enforce the laws regulating the business of cleaning septic tanks, cesspools, and privies.

Amending section 37-41-202, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 43-5; House 85-9
Third Reading Votes:	Senate 34-15; House 88-8

**HB 648 \* Wanzenried**

*Reauthorize Loan for Evergreen Wastewater Project*

An act reauthorizing funding for the Evergreen Wastewater Facilities Project; authorizing Flathead County as the loan recipient; continuing bond authority; and providing an immediate effective date.

Committee Hearings:	Senate Finance and Claims House Appropriations
Second Reading Votes:	Senate 49-0; House 92-6
Third Reading Votes:	Senate 49-0; House 91-8

**HB 731 \* Ream**

*Management Standards for Forest Practices in Streamside Management Zones*

An act providing management standards for the conduct of forest practices in streamside management zones; authorizing the Department of State Lands to adopt and enforce rules implementing the streamside management standards; allowing alternative forest practices in certain circumstances; authorizing the Department of State Lands to issue administrative orders for site rehabilitation; providing penalties for noncompliance with streamside management standards; and establishing a forest stewardship special revenue account.

Committee Hearings:	Senate Natural Resources House Appropriations
Second Reading Votes:	Senate 34-13; House 70-26
Third Reading Votes:	Senate 39-9; House 73-26

**HB 926 \* Hoffman**

*Provide for Voluntary Performance Bonds for Water Pollution Permits*

An act providing for voluntary filing of performance bonds for projects and activities authorized by water pollution discharge permits; and providing effective dates.

Amending sections 75-5-401 and 75-5-402, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 49-0; House - placed on consent calendar, approved by voice vote
Third Reading Votes:	Senate 48-1; House 99-0

**HB 973 \* Stang**

*Create a Small Petroleum Tank Release Cleanup Fund and Special Fuels Fee*

An act to provide expense reimbursement to certain tank owners and operators; and providing an immediate effective date.

Amending sections 75-11-301, 75-11-302, 75-11-307, 75-11-308, and 75-11-318, MCA.

Committee Hearings:	Senate Taxation House Taxation
Second Reading Votes:	Senate 39-10; House 69-31
Third Reading Votes:	Senate 37-12; House 74-36

Senate amended, House not concurred 99-0.

Free Conference Committee vote: Senate 47-2; House 64-26.

**HJR 17 \* Larson**

*Joint Resolution Lakeshore Development EQC Study*

A Joint Resolution of the Senate and the House of Representatives of the state of Montana requesting the Environmental Quality Council to conduct an interim study on the need for and the nature of uniform state standards for the protection and appropriate development of lakeshores.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 26-20; House 90-4
Third Reading Votes:	Senate 32-16; House 96-3

**HJR 39 \* Daily**

*Urge Cleanup of Berkeley Pit be Given Highest Priority by EPA and Congress*

A Joint Resolution of the Senate and the House of Representatives of the state of Montana strongly urging the United States Environmental Protection Agency and the United States Congress to give highest priority to cleanup of the Berkeley Pit and protection of alluvial aquifers underlying the Silver Bow Creek Superfund Site.

Committee Hearings: Senate Natural Resources  
House Natural Resources  
Second Reading Votes: Senate 50-0; House - placed on  
consent calendar, approved by voice  
vote  
Third Reading Votes: Senate 50-0; House 100-0  
Senate Amended, House concurred 99-0.

**Failed**

**SB 133 Nathe**

*Exempt from Regulation Underground Tanks of 1100 Gallons or Less Capacity*

An act exempting underground storage tanks that are 1,100 gallons or less in capacity from the Montana Hazardous Waste and Underground Storage Tank Act.

Amending sections 75-10-403, 75-10-405, and 75-11-217, MCA.

Committee Hearings: Senate Natural Resources

Adverse Senate Committee report adopted 32-16.

**SB 185 Yellowtail**

*Require Pesticide Registrants to Submit Pesticide Leachability Tests Results*

An act requiring pesticide registrants to submit to the Department of Agriculture a copy of the tests and results of pesticide leachability tests; requiring the department to provide

copies of tests and test results to interested persons; and authorizing the department to charge a fee commensurate with costs for obtaining and providing the information.

Amending sections 80-8-201, 80-8-303, and 80-15-302, MCA.

Committee Hearings: Senate Agriculture

Tabled in Senate Committee.

**SB 245 Nathe**

*Exempt Heating Fuel Tanks from Underground Tank Regulation*

An act exempting from underground storage tank regulation those tanks used for storing heating fuel for consumptive use on the premises where stored.

Amending sections 75-10-403 and 75-11-217, MCA.

Committee Hearings: Senate Natural Resources

Adverse Senate Committee report adopted 34-16.

**SB 247 Nathe**

*Exempt Pipes from Aboveground Heating Fuel Tanks from Tank Regulations*

An act exempting underground pipe connected to aboveground residential heating fuel tanks from underground storage tank regulation.

Amending section 75-10-403, MCA.

Committee Hearings: Senate Natural Resources

Adverse Senate Committee report adopted 33-17.

**SB 303 Weeding**

*Authorize that Effects of Water Use on Water Quality be Considered*

An act authorizing the Department of Natural Resources and Conservation to consider effects on water quality and aquifer

recharge rates when issuing permits to beneficially use water and when approving changes in appropriation rights; and providing that units of local government may request designation of a controlled ground water area.

Amending sections 85-2-311, 85-2-402, 85-2-506, and 85-2-507, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Vote:	Senate 29-20; House 52-44
Third Reading Votes:	Senate 28-22; House 48-49

#### **SB 355 Beck**

*Provide for Waiver of Certain Underground Storage Tank Inspections and Fees*

An act clarifying that inspection of certain underground storage tank installations and closures is not necessary; authorizing the Department of Health and Environmental Sciences to waive inspections fees; and providing an immediate effective date.

Amending sections 75-11-209, 75-11-213, and 75-11-217, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 49-0
Third Reading Votes:	Senate 48-1

Tabled in House Committee.

#### **HB 186 Davis**

*Replace Annual Underground Storage Tank Fees with a One-time Fee*

An act to replace the annual underground storage tank registration fee with a one-time fee.

Amending section 75-10-405, MCA.

Committee Hearings:	House Natural Resources
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Tabled in House Committee.



**HB 216 Driscoll**

*Appropriation for Ground Water Monitoring and Characterization Programs*

An act appropriating money to the Montana Bureau of Mines and Geology for the ground water monitoring and ground water characterization programs.

Committee Hearings: House Taxation

Tabled in House Committee.

**HB 380 Daily**

*Require Immediate Remedial Action to Prevent Aquifer Contamination*

An act to require immediate action to contain, remove, and abate a release of a hazardous or deleterious substance at certain sites to prevent aquifer contamination; and to increase certain civil penalties to \$25,000 per day of violation.

Amending sections 75-5-103, 75-5-601, 75-5-605, 75-5-631, 75-10-704, 75-10-711, 75-10-712, 75-10-714, and 75-10-715, MCA.

Committee Hearings: Senate Natural Resources

House Natural Resources

Second Reading Votes: House 99-0

Third Reading Votes: House 99-0

Adverse Senate Committee report adopted 43-6.

**HB 718 Ream**

*Permit Department of Health to Collect Fees to Offset Water Quality Program Costs*

An act permitting the Department of Health and Environmental Sciences to collect fees to offset water quality program costs for issuing permits and monitoring activity; requiring the department to provide notice of the fee assessment; providing an appeal procedure for resolution of fee disputes; establishing a water quality special revenue account into which the collected fees are to be paid; and providing an effective date and an applicability date.

Committee Hearings: House Appropriations

Tabled in House Committee.



**HB 799 Wallin**

*Prohibit DHES from Regulating Tanks Other than those Regulated Federally*

An act providing that the Department of Health and Environmental Sciences may not regulate underground storage tanks that are not regulated by the federal government.

Amending sections 75-10-403, 75-10-405, 75-11-209, and 75-11-308, MCA; and repealing section 75-11-217, MCA.

Committee Hearings: House Natural Resources

Tabled in House Committee.

**HB 845 Brooke**

*Requiring Underground Storage Tank and Pipes to have Double Walls*

An act requiring underground storage tanks and underground pipes, as defined in section 75-10-403(17)(A), MCA, to have double walls; and providing an immediate effective date and an applicability date.

Amending section 75-10-405, MCA.

Committee Hearings: House Appropriations

Tabled in House Committee.

**HB 889 O'Keefe**

*Generally Revising Hard Rock Mining Act to Protect Water Resources*

An act to generally revise metal mine reclamation laws to provide for protection of water resources and for the restoration or replacement of water resources and restoration and continuance of beneficial uses of water that are diminished or degraded by permitted mining operations; establishing a water restoration and replacement financial assurance requirement; establishing administrative procedures; revising mandamus procedures; providing for revocation of permits; and providing an immediate effective date and applicability dates.

Amending sections 82-4-301, 82-4-302, 82-4-303, 82-4-311, 82-4-321, 82-4-322, 82-4-323, 82-4-335, 82-4-337, 82-4-339, 82-4-340, 82-4-341, 82-4-351, 82-4-352, 82-4-353, 82-4-354, 82-4-355, 82-4-360, and 82-4-362, MCA.

Committee Hearings: House Natural Resources  
Second Reading Votes: House 34-64

**HB 911 Cobb**

*Defines "Permit" under Water Quality Act*

An act defining the term "permit" as it pertains to water quality laws; and clarifying the purpose of permit issuance.

Amending sections 75-5-103 and 75-5-401, MCA.

Committee Hearings: House Natural Resources

Tabled in House Committee.

**HB 956 O'Keefe**

*Generally Revise Coal Mine Reclamation Act to Protect Water Resources*

An act to generally revise strip-mining and underground-mining reclamation laws to provide for protection of water resources and for the restoration or replacement of water resources and restoration and continuance of beneficial uses of water that are diminished or degraded by permitted mining operations; establishing a water restoration and replacement financial assurance requirement; establishing administrative procedures; revising mandamus procedures; and providing an immediate effective date and an applicability date.

Amending sections 82-4-202, 82-4-203, 82-4-205, 82-4-206, 82-4-221, 82-4-222, 82-4-223, 82-4-225, 82-4-227, 82-4-231, 82-4-237, 82-4-238, 82-4-239, 82-4-240, 82-4-241, 82-4-242, 82-4-251, 82-4-252, and 82-4-253, MCA.

Committee Hearings: House Natural Resources  
Second Reading Votes: House 28-71

## Stream Access

Passed \*

### HB 359 \* Harper

*Prohibit Certain Vehicles from Operating Below Certain High-water Marks*

An act prohibiting the operation of motor vehicles or off-highway vehicles below the ordinary high-water mark on certain state or federal lands; and providing exceptions.

Committee Hearings:	Senate Fish and Game
	House Fish and Game
Second Reading Votes:	Senate 25-23; House 90-9
Third Reading Votes:	Senate 34-16; House 91-7

Senate amended, House concurred 97-1.

Failed

### HB 81 Cobb

*Exclude Overnight Camping and Campfires from Recreational Use of Streams*

An act providing that overnight camping and campfires are not permissible recreational uses of surface waters.

Amending section 23-2-302, MCA.

Committee Hearings:	House Fish and Game
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Tabled in House Committee.

## Water - Other

Passed \*

### SB 243 \* Mazurek

*Making the Chief Water Judge a Member of the Judges' Retirement System*

An act making the chief water judge a member of the judge's retirement system; providing funding; and providing an effective date.

Amending section 19-5-301, MCA.

Committee Hearings:	Senate State Administration House State Administration
Second Reading Votes:	Senate 37-12; House 81-16
Third Reading Votes:	Senate 38-12; House 83-16

### SB 368 \* Jergeson

*Enforcement Provisions for Violations of Montana Water Use Laws*

An act establishing enforcement provisions for violations of the Montana Water Use Laws; providing for disposition of penalties; and providing an immediate effective date.

Amending sections 85-2-114, 85-2-122, and 85-2-123, MCA.

Committee Hearings:	Senate Agriculture House Agriculture
Second Reading Votes:	Senate 48-0; House 86-8
Third Reading Votes:	Senate 49-0; House 88-8

House amended, Senate concurred 47-2.

**SB 407 \* Waterman**

*Clarify the Definition of "Public Water Supply System"*

An act clarifying the definition of "public water supply system"; enabling the Board of Health and Environmental Sciences to review a public water supply system or public sewer system to determine if that system has the financial capability to comply with the public water supply laws; describing a process to be used by the Department of Health and Environmental Sciences to administratively enforce the laws protecting public water supplies; providing an administrative penalty and civil penalty for violation of public water supply laws or of a rule, order, or condition of approval issued under those laws; providing for assessment of fees established through rulemaking to recover costs of department services under the laws relating to public water supplies and to sanitation in subdivisions; providing for appeal of the fee assessment; allowing a municipality to raise water rates to cover costs associated with fees without a public hearing; providing that local sewer districts may sell sewer service to municipalities or towns or consumers located within or outside the district; establishing a public drinking water special revenue fund to receive revenues from fees, administrative penalties, and civil penalties received pursuant to this act; allocating a portion of the revenues to the ground water assessment account; and providing a termination date.

Amending sections 7-13-2218, 69-7-111, 75-6-102, 75-6-103, 75-6-104, 75-6-111, and 76-4-105, MCA.

Committee Hearings:	Senate Local Government
	House Natural Resources
Second Reading Votes:	Senate 27-21; House 61-37
Third Reading Votes:	Senate 36-13; House 65-31

House amended, Senate concurred 49-0.

**HB 39 \* Peck**

*Exempt from Taxation Motor Vehicles Owned by Certain Potable Water Entities*

An act to exclude from taxation motor vehicles owned by certain entities that provide potable water; and providing an immediate effective date and a retroactive applicability date.

Amending section 15-6-201, MCA.

Committee Hearings:	Senate Taxation
	House Local Government
Second Reading Votes:	Senate 49-0; House 94-4
Third Reading Votes:	Senate 49-0; House 96-3

**HB 171 \* Benedict**

*Daly Ditch Water Project Repeal*

An act repealing statutes that provide for the abandonment of the Daly Ditch Water Project; and providing an immediate effective date.

Repealing sections 85-1-401, 85-1-402, 85-1-403, 85-1-404, 85-1-405, 85-1-406, 85-1-407, 85-1-408, and 85-1-409, MCA.

Committee Hearings:	Senate Agriculture
	House Agriculture
Second Reading Votes:	Senate 48-0; House - placed on consent calendar, approved by voice vote
Third Reading Votes:	Senate 48-0; House 97-0

**HB 382 \* Swysgood**

*Generally Revise the Dam Safety Act*

An act to generally revise the Dam Safety Act; clarifying the definitions of dam and reservoir; exempting nonfederal dams and reservoirs on federal lands that are subject to dam safety review by a federal agency from state dam safety review; and providing an immediate effective date and a retroactive applicability provision.

Amending sections 85-15-106 and 85-15-107, MCA.

Committee Hearings:	Senate Natural Resources
	House Natural Resources
Second Reading Votes:	Senate 47-0; House 92-1
Third Reading Votes:	Senate 48-0; House 97-2

**HB 833 \* Lee**

*Revise Watercraft Laws; Revising Marine Noise, Safety and Sewage Laws*

An act to generally revise the laws relating to watercraft; revising the laws on marine noise, safety, and sewage requirements; increasing the fee for a certificate of number; providing an appropriation; limiting who may operate a watercraft; authorizing the Department of Health and Environmental Sciences to adopt rules on vessel pumpout stations; authorizing the Fish and Game Commission to adopt rules on the proper observation and safe towing of persons on water skis or similar devices; and providing effective dates and a termination date.

Amending sections 23-2-502, 23-2-512, 23-2-521, 23-2-523, 23-2-526, 23-2-529, and 23-2-530, MCA.

Committee Hearings:	Senate Fish and Game House Fish and Game
Second Reading Votes:	Senate 45-4; House 69-28
Third Reading Votes:	Senate 42-8; House 70-29

Senate amended, House not concurred 96-1.

Free Conference Committee vote: Senate 47-0; House 83-16.

**SJR 25 \* Stimatz**

*Geothermal Study Resolution*

A Joint Resolution of the Senate and the House of Representatives of the state of Montana requesting the Water Policy Committee to conduct an interim study of the need for and feasibility of state regulation of Montana's geothermal resources.

Committee Hearings:	Senate Natural Resources House Natural Resources
Second Reading Votes:	Senate 48-0; House 83-6
Third Reading Votes:	Senate 47-0; House 90-7



# Weed and Pest Control

Passed \*

## SB 123 \* Jergeson

*Allocate Money from Weed Management Trust to Ag Experiment Station*

An act providing that proceeds in the noxious weed management trust fund be granted to the agricultural experiment station and the Cooperative Extension Service for research, evaluation, and education on crop weed management; requiring annual reports on weed control research; and providing an effective date.

Amending sections 80-7-508; and 80-7-814, MCA.

Committee Hearings:	Senate Finance and Claims House Appropriations
Second Reading Votes:	Senate 49-0; House 93-0
Third Reading Votes:	Senate 49-0; House 95-1

## SB 161 \* Weeding

*Voluntary Waste Pesticide Reporting System*

An act authorizing the Department of Agriculture to establish a voluntary waste pesticide reporting system; directing the department to develop a proposed Waste Pesticide Disposal Program; and providing an effective date.

Amending section 80-8-102, MCA.

Committee Hearings:	Senate Agriculture House Agriculture
Second Reading Votes:	Senate 46-0; House 97-0
Third Reading Votes:	Senate 46-3; House 99-0

**SJR 7 \* Harding**

*Urge Support for Rodenticide Registrations*

A Joint Resolution of the Senate and the House of Representatives of the state of Montana urging the United States Congress and the United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA/APHIS), to support, through appropriate funding, Montana's and other western states' research efforts to provide required data to the Environmental Protection Agency (EPA) to maintain certain rodenticide registrations; urging EPA support for the Montana Department of Agriculture Management Plan for the use of strychnine within acceptable federal standards; and urging cooperation between the EPA, the chemical producers, and the states to register rodenticides.

Committee Hearings:	Senate Public Health House Agriculture
Second Reading Votes:	Senate 46-0; House 91-5
Third Reading Votes:	Senate 49-0; House 97-0

**SJR 12 \* Anderson**

*Request Dept of Ag to Study Weed Seed Free Agronomic Crops and Farm Products*

A Joint Resolution of the Senate and the House of Representatives of the state of Montana requesting the Montana Department of Agriculture to study and develop a plan and recommendations on a weed seed-free agronomic crops and farm products program; and requesting a report of findings and recommendations of the study to the 53rd Legislature.

Committee Hearings:	Senate Agriculture House Agriculture
Second Reading Votes:	Senate 48-0; House 94-3
Third Reading Votes:	Senate 48-0; House 96-4

**HB 285 \* Schye**

*Allow County to Charge Fee on Structures for Mosquito Control District*

An act allowing county commissioners to charge fees on structures for the operation of a mosquito control district; and providing an effective date.

Amending section 7-22-2432, MCA.

Committee Hearings: Senate Local Government  
House Taxation  
Second Reading Votes: Senate 48-0; House 51-47  
Third Reading Votes: Senate 48-1; House 55-45

Governor amended: Senate concurred 46-2; House concurred 84-14.

**HB 549 \* Grady**

*Generally Revise the County Noxious Weed Control Laws*

An act to generally revise the county noxious weed control laws; requiring training for weed district supervisors; establishing new termination dates for information and liability restrictions on herbicide use; and providing an effective date.

Amending sections 7-22-2121, 7-22-2142, 7-22-2143, 7-22-2145, 7-22-2148, MCA, and Section 7, Chapter 516, Laws of 1987.

Committee Hearings: Senate Agriculture  
House Agriculture  
Second Reading Votes: Senate 48-0; House 91-7  
Third Reading Votes: Senate 48-1; House 95-4

Senate amended, House concurred 92-5.

**HB 840 \* Grady**

*Regulate Importation of Harmful Plants into Montana*

An act regulating the importation, or sale of noxious weeds that may harm Montana's horticultural, agricultural, forestry, livestock, wildlife, or native plant communities.

Amending sections 7-22-2101, 80-7-701 and 80-7-702, MCA.

Committee Hearings: Senate Agriculture  
House Agriculture  
Second Reading Votes: Senate 48-0; House 99-0  
Third Reading Votes: Senate 49-0; House 99-0

**HB 964 \* O'Keefe**

*Generally Revising Pesticide's Statutes and Repealing Herbicide Surcharge*

An act authorizing the Department of Agriculture to deposit certain fees in the state special revenue fund and directing the Board of Investments to invest the money; establishing a pesticide management account; changing the amounts of pesticide registration fees; authorizing the Department of Agriculture to issue compliance orders; terminating the surcharge on retail sales of herbicides; and providing effective dates.

Amending sections 80-7-810, 80-7-812, 80-7-815, 80-8-116, 80-8-201, 80-8-212, 80-8-305, and 80-15-302, MCA.

Committee Hearings:	Senate Natural Resources House Appropriations
Second Reading Votes:	Senate 48-0; House 80-12
Third Reading Votes:	Senate 46-2; House 81-17

**Failed**

**SB 185 Yellowtail**

*Require Pesticide Registrants to Submit Pesticide Leachability Tests Results*

An act requiring pesticide registrants to submit to the Department of Agriculture a copy of the tests and results of pesticide leachability tests; requiring the department to provide copies of tests and test results to interested persons; and authorizing the department to charge a fee commensurate with costs for obtaining and providing the information.

Amending sections 80-8-201, 80-8-303, and 80-15-302, MCA.

Committee Hearings:	Senate Agriculture
Tabled in Senate Committee.	

**HB 190 DeBruycker**

*Distribute a Portion of Noxious Weed Fees to Counties for Weed Control*

An act revising the method of distribution of noxious weed fees by requiring that a percentage of herbicide surcharge fees and a percentage of motor vehicle registration weed control fees be placed in the county general fund for exclusive use by the county for noxious weed control and research; revising the definition of herbicide; and providing an effective date and an applicability date.

Amending sections 80-7-801, 80-7-810, 80-7-812, and 80-7-814, MCA.

Committee Hearings: House Agriculture

Tabled in House Committee.

**HB 213 Connelly**

*Weed Control Fee on Motor Vehicle Registration to County Fund*

An act requiring the weed control fee collected on the annual registration of motor vehicles to be deposited in the county noxious weed fund; and providing an effective date.

Amending sections 7-22-2142 and 61-3-510, MCA; repealing section 80-7-810, MCA.

Committee Hearings: House Local Government

Died in House Committee.

**HB 277 Steppler**

*Establish Grasshopper Management Program and Provide an Appropriation*

An act establishing a research program within the agricultural experiment station to develop integrated control methods and procedure for management of grasshoppers adversely affecting crop production; providing for outreach program; providing an appropriation; and providing an effective date.

Amending section 80-7-508, MCA.

Committee Hearings: House Appropriations  
Second Reading Votes: House 94-4

Tabled in House Committee.

**HB 574 Thoft**

*Require Registration of Sites Related to Insects & Plants Pathogens*

An act providing for the registration of insectaries or sites where insects or plant pathogens are propagated, reared, sold, released, distributed, or collected for biological control; requiring recordkeeping; establishing violations, investigative authority, enforcement provisions, and penalties; and providing an effective date.

Committee Hearings: Senate Agriculture  
House Agriculture  
Second Reading Votes: House 97-0  
Third Reading Votes: House 94-0

Tabled in Senate Committee.

**HB 637 Becker**

*Require Notification of Pesticide Use in Cities and Towns*

An act requiring notification of pesticide applications within the boundaries of incorporated cities and towns.

Committee Hearings: Senate Natural Resources  
House Natural Resources  
Second Reading Votes: House 60-37  
Third Reading Votes: House 55-44

Adverse Senate Committee report adopted 43-6.

**HB 722 Grady**

*Clarifies that Board Members with Land in Weed Control are Not in Violation*

An act clarifying that a member of a board or governing body with land that is included in a noxious weed management project area does not have a conflict of interest if the member abstains from

the board's or governing body's deliberations and decisions related to that project area.

Amending section 80-7-814, MCA.

Committee Hearings:	Senate Agriculture House Local Government
Second Reading Votes:	House - placed on consent calendar, approved by voice vote
Third Reading Votes:	House 95-3
Tabled in Senate Committee.	





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